SANTA CLARA VALLEY WATER DISTRICT

GUADALUPE RIVER RUBBLE REMOVAL
AND SHADED RIVERINE AQUATIC MITIGATION PLANTINGS

Final
Initial Study and Mitigated Negative Declaration
SCH # 2000062078

Prepared by:
Terry Neudorf, Environmental Planner, Environmental Resources Management Unit
John Gilchrist, SCVWD Consultant

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118

Stanley M. Williams
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Walter L. Wadlow
Chief Operating Officer

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Senior Project Manager

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Jason Christie
Environmental Resources Management Unit Supervisor

August 2000

DISTRICT BOARD OF DIRECTORS

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FINAL
MITIGATED NEGATIVE DECLARATION

DATE: August 1, 2000

SUBJECT: Negative Declaration – Guadalupe River Rubble Removal and SRA Plantings

Pursuant to the California State Public Resources Code and the California Environmental Quality Act (CEQA) Guidelines, as amended to date, the Santa Clara Valley Water District (District) submits a Negative Declaration for the Guadalupe River Rubble Removal and SRA Plantings (project). The objectives of the project are to remove hard material from the streambanks, and restore riparian vegetation and SRA cover. This will increase aquatic and wildlife habitat values on this reach of the River.

The project will remove rip rap debris from the lower portion of an 80' length of streambank on the west side, and concrete debris on an 110' length of bank slope on the east bank. Both slopes will be recontoured to a natural looking 2:1 or 2.5:1 slope angle and replanted with native riparian shrubs and trees. Project construction could take up to 6 weeks, and will occur between August and mid-October 2000.

FINDINGS

The SCVWD Board of Directors, having reviewed the Initial Study for the proposed project, consisting of the attached document, finds:

1. That the proposed Guadalupe River Rubble Removal and SRA Plantings project, with mitigation will not have a significant effect on the environment;
2. That the project is partial mitigation for impacts to riparian vegetation and SRA cover from the Downtown Guadalupe River Flood Control Project;
3. That existing concrete and rip-rap does provide cover for native fish species at varying flow levels, but this will be mitigated by root wads and additional riparian vegetation installed at the toe of each streambank. These woody structures and low bank riparian vegetation will provide cover and habitat for fish;
4. That mercury-laden sediments could adversely affect aquatic organisms; however as mitigation, soil will be tested for mercury levels before excavation, and sediment with mercury levels over 0.1 mg/kg will be disposed at an appropriate accepting facility rather than reused onsite.
5. That the project will incorporate standard District best management practices (BMP's) that will minimize other potential project impacts to the maximum extent practicable; and
6. That a Negative Declaration be filed as the appropriate CEQA document for this project.

BASIS OF FINDINGS

The project will not cause significant adverse impacts related to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation and circulation, and utilities and service systems. Potential impacts to federally listed fish species will be mitigated to levels of insignificance. In addition, substantial adverse effects on humans, either direct or indirect, will not occur. The project will not affect any important examples of the major periods of California prehistory or history. The project will not result in long term cumulative impacts. In addition, the project will not cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce he number or restrict the range of a rare or endangered plant or animal.

The loss of instream SRA cover from removal of rip-rap and concrete debris will not result in a significant impact to steelhead, Chinook salmon or other native fish species, because the following mitigation have been incorporated into the project:

1. Log root wads and riparian vegetation will be added to the bottom (toe of slope) of the east and west streambank in order to replace cover and habitat for fish provided by concrete undercut bank and rip-rap cavities.

2. Rip-rap that is in the channel just downstream of Site A will be left in place. The in-channel concrete debris near Site B will be replaced by several rip-rap pieces from Site A.

3. Project construction will be conducted during the August to early Oct. low flow period when salmonid adult or smolt migration should not be occurring. All native vertebrate species will be relocated during dewatering, and intake pipes will be screened to prevent juvenile steelhead from entering the site during construction.

The re-mobilization of mercury-contaminated sediments could adversely affect aquatic organisms. However, the following measures have been incorporated into the project to mitigate this impact:

1. Soil material grubbed, scraped and excavated from the channel banks shall be randomly sampled for total mercury and methyl mercury concentrations at a rate of one sample for every 2,500 cubic yards of material removed.

2. Construction specifications shall include a requirement that material grubbed, scraped and excavated from the c hannel banks is not to be reused onsite unless it can be demonstrated to contain less than 0.1 mg/kg total mercury. If soil is disposed offsite, the material shall be hauled to an accepting location or facility

BMP's will be incorporated into the project to avoid or minimize impacts to water quality, fish and wildlife species, noise, pedestrian and auto travel to less-than-significant levels.

The following additional measure, while not required for project mitigation, could be added to the project to achieve additional habitat enhancement. There are no adverse impacts associated with this enhancement measure.

- Native riparian plantings could be installed in one open area on lower bank slopes in the project vicinity—600 square feet on the west bank just south of Site A. Revegetating this area would provide additional riparian habitat and SRA cover. The following item needs to be addressed before this work can be performed:
  - the project limits/scope of work are not included in SCVWD's current construction contract; thus, either SCVWD staff would complete this work in-house or bids would be solicited.

Attached is the Initial Study prepared for the project. The public can obtain additional copies of the Initial Study, and review documents used in its preparation at the Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose

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SECTION 1. INTRODUCTION

This section describes the purposes of an Initial Study, the decision process to prepare a Negative Declaration (ND) or a Mitigated ND, and a short discussion on other public agencies whose approval is required through the permitting process.

1.1 PURPOSE OF THE INITIAL STUDY

The Santa Clara Valley Water District (District) has prepared this Initial Study pursuant to the California Environmental Quality Act (CEQA) for the Guadalupe River Debris Removal Project. CEQA lists seven purposes of an Initial Study (CEQA Guidelines 15063[c]):

1. Provide the lead agency (i.e., the District) with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or a ND;
2. Enable a lead agency (i.e., the District) to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a ND;
3. Assist in the preparation of an EIR, if one is required;
4. Facilitate environmental assessment early in the design of a project;
5. Provide documentation of the factual basis for the finding in a ND that a project will not have a significant effect on the environment;
6. Eliminate unnecessary EIRs;
7. Determine whether a previously prepared EIR could be used with the project.

1.2 DECISION TO PREPARE A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION

According to CEQA Guidelines Section 15070, a public agency shall prepare a proposed ND or a Mitigated ND when:

1. The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
2. The Initial Study identifies potentially significant effects, but:
    a. Revisions in the project plans made before a proposed Mitigated ND and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

    b. There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

1.3 PROJECT BACKGROUND

The Downtown Guadalupe River Flood Control Project is a phased project authorized by Congress to provide 100-year flood protection to downtown San Jose. The project started in 1992, but the third and final project phase was stopped in 1996 due to concerns regarding the adequacy of the proposed mitigation, and the proposed listings of steelhead and chinook salmon as threatened or endangered species. In 1997 regulatory agencies met with the project proponents, Santa Clara Valley Water District and U.S. Army Corps of Engineers to voice concerns with the project. In late 1997, the Corps and District initiated a collaborative process to resolve the mitigation issues. The Collaborative partners include the District, Corps, City of San Jose, San Jose Redevelopment Agency, US Fish and Wildlife Service, National Marine Fisheries Service, Department of Fish and Game, State Water Resources Control Board, Regional Water Quality Control Board, Guadalupe-Coyote Resource Conservation District, Pacific Coast Federation of Fishermen's Associations, and Trout Unlimited (represented by the National Heritage Institute). The Collaborative suggested, and the two project proponents agreed in July 1998 to redesign a portion of the project and revise the mitigation plan.

This final phase of the downtown flood control project includes a stream reach between Coleman Avenue and New Julian Street (Segment 3A), Segment 3B from New Julian St. to Park Avenue, and the Segment 3C-Phase 3 subreach near I-280. The original Guadalupe River Project was modified to include: 1) construction and operation of an underground bypass to convey floodwaters around important riparian habitat; 2) expanded on and off-site mitigation; and 3) modifications of structures in the river to accomplish habitat and recreational goals (USCOE, 2000).

The Guadalupe River Rubble Removal project (proposed project) is one of the flood control mitigation projects proposed by the Collaborative for early implementation. Plan design specifications and contract documents for the project were prepared in 1999, and regulatory agency permits were issued by the Department of Fish and Game and the Army Corps of Engineers (SF Regulatory Branch) during summer 1999. The District, however, after reviewing the adequacy of a CEQA Catagorical Exemption for the project, made the decision to prepare an Initial Study that presumably would culminate in a Negative Declaration. In September 1999 the District notified all permitting agencies that it was withdrawing its 1999 applications and would resubmit the new CEQA document and applications for permits in 2000. This Initial Study and Mitigated Negative Declaration has been prepared as a result of that process.

1.4 REGULATORY REQUIREMENTS

Construction of the proposed project will require new regulatory authorization from the following agencies.

United States Army Corps of Engineers

The United States Army Corps of Engineers (Corps) regulates discharges of dredged or fill material into waters of the U. S., which includes wetlands and ordinary high water, under Section 404 of the Clean Water Act and under Section 10 of the Rivers and Harbors Act. Two types of permits exist: individual and general. Nationwide permits (NWPs) are a type of general permit issued for a group of activities found to have a minimal effect on the environment by the

Corps. If an activity has more than minimal effect or does not fit the parameters of a NWP, then the Corps issues an individual permit. Based on permitting actions by the Corps for the debris removal project last year, Corps staff has indicated the project is regulated through NWP 27, Wetland and Riparian Restoration and Creation Activities. The project will also require a permit under NWP 33 for installation of coffer dams involving fill into jurisdictional areas.

United States Fish and Wildlife Service/National Marine Fisheries Service

The United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) implement and enforce the Endangered Species Act (ESA) of 1973 as amended. Under the ESA, it is unlawful to "take" listed species of plants and animals. Take is defined as: "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect . . . or to engage in any such conduct." USFWS has also defined take to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter. Under Section 7 of the ESA, consultation with USFWS and NMFS will occur in conjunction with review of the Corps' application.

Regional Water Quality Control Board

Under Section 401 of the Clean Water Act, the Regional Water Quality Control Board (RWQCB) has the authority to waive or certify projects subject to the Corps jurisdiction for water quality impacts. For the proposed fish passage project, the District will request a certification/waiver from the Regional Board, who will review Corps permit applications for NWPs 27 and 33.

California Department of Fish and Game

If an activity diverts, obstructs, or changes the natural flow or the bed, channel, or bank of any river, stream, or lake, in which there are at any time an existing fish or wildlife resource or from which these resources derive benefit or if an existing fish or wildlife resource may be substantially adversely affected, DFG requires notification. DFG can issue individual streambed alteration agreements (1601) or they can develop, in concert with an applicant, an MOU. For this debris removal project, an individual streambed alteration agreement (1601) will be required.

The District performs construction and operation work at a time and in a way that meets the District's obligations to public health and safety, while recognizing the need to minimize adverse impacts to fish and wildlife resources and their habitat. Periods of concern to DFG are March through June for nesting birds, and October through May for anadromous fish. The project description also incorporates a list of best management practices designed to reduce impacts to fish and wildlife resources. These practices include diverting stream flows around the work site, minimizing streambed disturbance, and timing of project construction.

City of San Jose

The General Plan for the City of San Jose contains goals and policies concerning creeks and riparian areas, addressing restoration, enhancement and use of the creeks. The District is a separate public entity and the maintenance of creeks and channels within its jurisdiction is not subject to local ordinances. The City will have the opportunity to comment on this District project through the CEQA public review process.

1.5 ORGANIZATION OF THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

The Mitigated Declaration is located at the beginning of the document after the Table of Contents. Section 2.0 describes the features of the project, the environmental setting, and location. Section 3.0 is the Environmental Checklist. Section 4.0 addresses the potential impacts of project construction. Section 5.0 lists additional District personnel who contributed to this document and references used in its preparation.

SECTION 2. PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING

2.1 PROJECT LOCATION

The project site is located on the Guadalupe River in the south portion of downtown San Jose. The site is downstream (north) of the Highway 280/87 interchange and Woz Way bridge, and just upstream of West San Carlos Street (see Figures 1 and 2, Section 6). The project is actually two sites located on opposite streambanks. Site A on the west bank is approximately 425 feet downstream (north) of the Woz Way bridge, while Site B on the east streambank lies about 350 feet downstream of the bridge (Figure 2). The Children's Discovery Museum and Guadalupe River Park are west of the river at Site A. A city parking lot and Vine Street lie east of Site B.

2.2 ENVIRONMENTAL SETTING

The Guadalupe River drainage basin covers an area of approximately 90 square miles above the project site, and includes Alamitos Creek and Guadalupe Creek as major tributaries (see Figure 3). Los Gatos Creek, another major tributary, enters Guadalupe River about 0.4 mile below the project site. The hydrology of the basin, as well as the river channel in the project vicinity, has been greatly altered by human activity. Upstream reservoirs have affected runoff and sediment carrying capacity. Downstream of the reservoirs the river and tributaries have been extensively channelized and leveed for flood control.

The Guadalupe River channel in the project vicinity is incised approximately 15 feet below the surrounding ground surface. The channel has been straightened and confined giving it a relatively uniform cross-sectional geometry that is narrower and deeper than the original natural stream condition. Channel sinuosity is low, and the channel side slopes are relatively steep (2:1 or greater). Generally this configuration has increased the flood conveyance capacity of the river, but has also reduced its sediment carrying capacity and diminished the habitat complexity for fish and wildlife. Channel bottom substrate is predominately gravel intermixed with a high percentage of silt, or is silt or sand. Some of the in-channel gravels in the site vicinity may have been carried downstream from a gravel ramp used for equipment access to construct some habitat enhancement features near the Woz Way bridge (J. Abel, personal communication, 2000). In the immediate vicinity of Site B, channel bottom substrate also consists of small to medium sized concrete slabs, and just downstream of Site A, some medium sized rip-rap pieces lie in the channel. Habitat in the project reach consists of runs and pools separated by short riffles. A riffle is located just downstream (north) of the in-channel rip-rap adjacent to Site A. Upstream of Site B is a riffle and relatively large pool created by scour after the somewhat confined flows exit the Woz Way bridge (K. Reiller, personal communication, 2000).

Channel bank vegetation is a mixture of native and non-native species. Vegetation on the west bank (in the vicinity of Site A) consists of black cottonwood (*Populus balsamifera* spp. *trichocarpa*) and willow (*Salix laevigata, S. lasiandra*) with an understory of wild rose (*Rosa californica*), snowberry (*Symphoricarpos rivularis*), English ivy (*Hedera helix*) and annual grasses. Interspersed within the rip-rap to be removed are 2 small cottonwood seedlings with several larger immature cottonwoods at the north and south edges of the rip rap. On the east bank, major overstory vegetation consists of the invasive tree of heaven (*Ailanthus glandulosa*), with an understory consisting primarily of fennel (*Foeniculum vulgare*), Himalaya berry (*Rubus discolor*), radish (*Raphanus sativus*), cheeseweed (*Malva parviflora*) and non-native grasses. A large black walnut (*Juglans hindsi*) is located just north of the project area, and two medium sized black cottonwoods and one willow (*Salix laevigata*) are located near the southern end of the project site. The per cent composition of native plant species and habitat diversity on the west bank site is greater than that found on the east bank.

Land uses in the project vicinity include a public park, open space and a museum to the west, and a parking lot to the east. The San Jose Convention Center is located further east and professional office and commercial uses are present north of the site. The project is near the southern end of the downtown San Jose business district. Uses adjacent to thewest bank site include the Guadalupe River Park and Children's Discovery Museum. A paved park access trail and the Auzerais Point monument are directly adjacent to Site A at the top of the streambank. Adjacent to Site B is a SCVWD maintenance road and a city parking lot.

The City of San Jose 2020 General Plan (1994) designates the downtown Guadalupe River corridor, including the project area, as public park and open space, while recognizing the need to provide and improve flood protection facilities. The City has also adopted the Guadalupe River Park Master Plan (1989) which proposes an urban linear park along the river, with public access points, a river walkway and protection of riparian habitat as major policies.

2.3 PROJECT DESCRIPTION

The purpose of the project is to remove rip-rap and concrete rubble from both banks of the Guadalupe River, and then re-establish native riparian vegetation (Figures 4-6). The vegetation would provide shaded riverine aquatic (SRA) cover benefiting in-stream aquatic species. The project is one of several mitigation projects proposed as part of the downtown Guadalupe River Flood Control Project (USACE, 2000). Figures and photographs showing the proposed project and project area are located in Section 6 at the end of the Initial Study.

Work Schedule

Project construction is expected to take a maximum of 45 days. The contractor may elect to complete the project in less time by requesting an expansion of work hours, if acceptable to reviewing agencies. Construction activity is proposed for the period between August 15 and October 15, 2000.

Control of Water During Construction

During construction, the work area will be dewatered with a cofferdam. The coffer dam will consist of sandbags installed within the stream channel upstream of Site B (S. Ferranti, personal communication 2000). Upstream flows will be bypassed around the work area by pumping or gravity flows, and existing flows will be maintained downstream of the work site at all times. A sandbag dam will also be used below the site to prevent backwater from entering the construction zone, and all water that accumulates in the construction area will be removed so that work can be performed under dry conditions. Water pumps will be screened to prevent entrapment of fish. The upper and lower sand bag dams will be completely removed at the finish of construction. Turbidity will be minimized using best management practices. At pump discharge points, temporary sediment catch basins or filtering bags will be installed to trap sediment. In-stream equipment used during construction will be confined to the dewatered channel.

Project Construction

Equipment to be used during the excavation and slope reconstruction will likely include an excavator with claw (for debris removal), a small crane, a D3 cat, rubber-tire loader and several end dump trucks to haul the debris. Bank slope recontouring will be accomplished with a grade-all or excavator. Due to the sensitivity of the Children's Museum and Guadalupe River Park to construction activity, the entire operation will be handled from the east bank maintenance road. Construction staging and equipment storage, if needed, may occur at a vacant lot at 523 Locust Street, located south of Woz Way near the Woz Way bridge. Equipment will cross Woz Way and then use the 20' wide access road at the top of bank to proceed to Site B. After dewatering, a ramp will be excavated down the Site B bank slope so that equipment can cross the channel and reach Site A. The rip-rap present on the lower portion of Site A bank slope will be removed first. Care will be taken to avoid injury to larger native riparian (cottonwood) vegetation on both sides and above the excavation site; however, the 2 small (0.5" diameter) cottonwood seedlings located near the bottom the rip rap will have to be removed. After removal, approximately 2 to 3 feet of topsoil fill will be brought in and the slope face recontoured to a 2:1 slope angle with 85 per cent compaction. The concrete debris lying within the stream channel below Site B will be excavated as equipment is being removed from Site A. However, the in-channel rip-rap that form the headwaters of the riffle just north of Site A will be left in place. Project plans for both Sites A and B are shown on Figures 4-8, attached.

The concrete slabs on the bank slope at Site B will be removed by a clamshell/excavator working from unvegetated area between the top of bank and the maintenance road. Proceeding from the top to bottom of the bank the slabs will be removed and stockpiled at the clearing between the top of bank and access road, or loaded immediately into trucks. An estimated 200 cubic yards of concrete rubble will be excavated, although due to unknown depth of concrete rubble, the exact amount is not known. The non-native *Ailanthus* trees and some underlying soil will also be removed. The soil will be stockpiled for reuse to refill the voids created by the removal of rubble. The bank slope will then be recontoured from a 1:1 to an irregular shaped 2:1 slope, and top soil added and compacted, similar to Site A. Two small cottonwoods lying near the toe of slope at the base of the concrete will also have to be removed. However a large 35" California walnut just north of the site, and several larger cottonwood on the south edge of the rubble will be protected. These trees are specifically called out on project plans to be saved and will be flagged or fenced off to prevent damage or loss.

The one-ton rip-rap at Site A (estimated at 200 tons) will be removed to the SCVWD storage yard near Brokaw Road and stockpiled for future use. The concrete will be pulverized at an off-site location and reused, or hauled to an approved landfill site, at the discretion of the contractor.

Revegetation

Both bank slopes will undergo erosion control treatment and be revegetated with native plant species. For erosion control, two layers of straw and coconut fiber erosion control blankets will be installed on all finished bank slopes. A finer mesh blanket that adheres to slope undulations will be installed underneath to prevent water piping and minor sloughing, with a higher strength blanket applied on top. Erosion control blanket specifications were recommended by USFWS staff and are similar to those installed at a revegetation site just upstream (near Woz Way bridge) in 1998. It is expected that native groundcover will be well established when the blankets decompose (3-4 years).

Final plantings will consist of 215 container plants installed on both banks. Lower bank slope riparian species will include: red willow, arroyo willow, Fremont cottonwood, blue elderberry, boxelder, and California blackberry. Drier species such as valley oak, coast live oak, California bay, blackberry and wild rose will be planted on upper slopes. Plants will be randomly spaced to replicate natural conditions. Riparian plantings on the lower streambanks will provide shaded riverine aquatic (SRA) cover in accordance with mitigation requirements contained in the Draft Mitigation and Monitoring Plan for the Guadalupe River Flood Control Project (US Army Corps of Engineers, 1999). It is expected that lower riparian trees will begin to provide significant SRA cover within 5 years, with increasing cover and habitat value occurring thereafter. All revegetation will meet performance standards, success criteria and monitoring requirements in the Downtown Guadalupe River Flood Control Project Final Mitigation and Monitoring Plan.

Best Management Practices to Avoid Impacts during Construction

In addition to the specific project mitigation measures indicated in this Initial Study, the District will incorporate the following measures (BMP's) in the project description and construction documents. These measures are standard District operating procedures (best management practices) and will avoid, minimize, reduce or compensate for potential project impacts.

1. As stated above, a sandbag cofferdam will be constructed upstream of the project sites. Water will be diverted around the work sites and discharged in a non-erosive manner. The upstream flow to the site will be maintained downstream. Any fill associated with the cofferdam, and temporary access ramps will be completely removed from the site upon finishing the work.

2. Equipment will remain outside of the live stream on the adjacent east bank maintenance road and on the designated dewatered construction site when operating, except when necessary to construct and remove the coffer dam. The contractor's proposed sand bag coffer dam may eliminate the need for equipment during the removal process.

3. Pumped or gravity-fed pipe systems will be used to dewater sites, if water is present.

4. Silt barriers, such as straw bales, silt fences, silt-bag catchments or basins shall be installed downstream of the work sites to minimize turbidity, as necessary.

5. When diversion structures are removed, flows will be directed into the low-flow channel, as much as is feasible, to minimize downstream siltation. If a low-flow channel is not present, and if feasible, one will be created during the sediment removal operation. Ponded water

will be routed into it instead of allowing water to flow over the recently desilted area. This will minimize downstream siltation.

6. Construction and removal of diversion structures shall be conducted without increasing stream turbidity more than 50 Nephelometric Turbidity Units above background levels.

7. An erosion control matting or fabric shall be placed over restored earthen banks. With the proposed project, a double erosion control blanket will be used to insure longevity and prevent erosion due to water seeping under the blanket.

8. No debris, soil, silt, sand, cement, concrete, or washings thereof, or other construction related materials or wastes, oil or petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into channel or stream waters.

9. Sediment and debris removed from a channel shall be handled, stored and disposed of in accordance with applicable regulatory requirements (e.g., dredge materials will not be temporarily stockpiled without adequate containment, and there should be no discharge of sediment laden water from storage impoundments in violation of applicable water quality standards). In wetter areas, the sediment may be stockpiled to dry out before removal, trucks may be lined with an impervious material (e.g., plastic), or the trucks may drain excess water by slightly tilting their loads and allowing the water to drain out. Water will not be allowed to drain directly into the channels or onto city streets without providing water quality control measures.

10. Excavated materials shall be removed to the District upland storage site or landfill. If the material is appropriate, it may be used to repair levee roads or used as road base material, or for another reuse function.

11. No fueling, cleaning, maintenance or servicing of vehicles or equipment will take place within channel banks to avoid the release of deleterious substances into surface waters. Replacement of engine fluids, when necessary, will be done outside of the channel area. Fluids will be collected in drip pans, stored in appropriate containers, and properly recycled or disposed of offsite.

12. Equipment storage and maintenance sites shall be located outside of the channel area (at 523 Locust St.). All equipment will be properly maintained and inspected daily before start of work for leaks.

13. All equipment fluids shall be stored in a secure area away from the channel (at 523 Locust St.). Quantities greater than 55 gallons will be provided with a secondary containment capable of containing 110 percent of the primary container.

14. An adequate supply of spill kits shall be maintained on site to properly contain and cleanup minor spills from equipment operations.

15. All construction shall be performed during the summer and fall months when low to no flows are present in the channels. All work will be completed by October 15 unless permission from DFG is received allowing work to continue past this date.

16. Prior to the start of work and during the installation of water diversion structures, aquatic vertebrates shall be captured in the work area and transferred out of the work area. Aquatic invertebrates will not be transferred (other than incidental catches) because they are abundant in the project vicinity and are expected to colonize after completion of the repair work.

17. To minimize impacts to the aquatic environment, a qualified fisheries biologist shall perform relocation operations for native aquatic vertebrate species (fish, turtles, etc.) which will be re-introduced into the stream upstream or downstream of the site during dewatering of the project area. If spawning adult chinook salmon migrate into the river reach below the project prior to the end of construction, a qualified fisheries biologist will move the fish upstream so that spawing migration will not be interrupted.

18. Pumped or gravity-fed pipe systems or other appropriate method will be used to dewater sites, where water is present. Water pumps will be screened to prevent entrainment of fish. Screens will consist of two elements: direct screening of each pump with no greater than ¼-inch openings (1/4 delta mesh) and a secondary screen consisting of a perimeter screen 5 feet in radius away from the pump and anchored to the substrate. This secondary screen will have no greater than ¼-inch openings (1/4 delta mesh). If pump intakes become clogged, the direct screening may be modified or removed. At pump discharge points, a temporary sediment trap will be constructed by excavating a small temporary basin lined with filter fabric. The outlet of the temporary basin will be made of straw bales.

19. All diverted flows shall be released downstream of the construction site.

20. Work involving heavy equipment shall occur after July 1, which is typically the end of the breeding bird season.

21. To avoid impacts to nesting migratory birds, a wildlife biologist will check the trees in the project area for nesting species prior to removal. If nesting birds are found, the California Department of Fish and Game will be notified and coordination undertaken to determine appropriate measures to prevent disturbance to nesting birds. (Note: it is unlikely that this project will impact nesting birds as construction will occur outside the nesting season.)

22. Disturbance or removal of native vegetation shall not exceed the minimum necessary to complete operations. Specifically, native riparian trees at the site (willow, cottonwood) will be left intact to the maximum extent possible, and measures taken to minimize any root damage by heavy equipment. Native trees located around the perimeter of each site will be preserved and will be flagged or fenced (with temporary plastic mesh) to facilitate avoidance by the contractor.

23. Appropriate BMPs to avoid or minimize tracking of dirt onto streets shall be used. Streets will be cleaned of mud and/or dirt by street sweeping and not by hosing down the street.

24. Construction activities shall be performed in accordance with Bay Area Air Quality Management regulations. Watering of unpaved access roads will occur to control dust emissions.

25. Vehicles shall access the site by using local streets, highways and the maintenance road, except when otherwise noted. Levee traffic speed will be limited to 10 miles per hour.

26. When necessary, a traffic control person shall be provided for traffic control. A lane may be blocked off to allow for trucks to pull into and out of the access points for the larger projects. Where work is proposed adjacent to a recreational trail, warning signs will be posted several feet beyond the limits of work. Fencing, either the orange safety type or chain link will be installed above the repair sites.

27. To protect pedestrians, bicyclists and other recreationalists, the District shall post signs warning of the construction and truck traffic several hundred feet beyond the limits of work. In addition, orange safety fencing or chain link fencing will be installed around the construction area.

28. All construction equipment shall be equipped with manufacturer's standard noise control devices; internal combustion engines will be equipped with adequate mufflers. Excessive idling of vehicles will be prohibited.

29. Due to presence of extensive fill and non-native materials at the project site, it is not likely that cultural resources will be encountered. However, If cultural resources are found, work will stop and a qualified archaeologist or historian will evaluate and record the find, and provide a plan for protection or excavation.

SECTION 3. ENVIRONMENTAL CHECKLIST FORM

3.1 BACKGROUND

1.	Project Title:	Guadalupe River Rubble Removal
2.	Lead Agency Name and Address:	Santa Clara Valley Water District 5750 Almaden Expressway San Jose CA 95118
3.	Preparer and Phone Number:	John Gilchrist, Environmental Consultant (831) 429-4355
	District Contact Person	Terry Neudorf, Environmental Planner (408) 265-2607 ext. 2695
4.	Project Location:	See 2.0 PROJECT DESCRIPTION
5.	Project Sponsor's Name and Address:	Same as Lead Agency
6.	General Plan Designation:	Not Applicable
7.	Zoning:	Not Applicable
8.	Description of the Project:	See 2.0 PROJECT DESCRIPTION
9.	Surrounding Land Uses and Setting:	See 2.0 PROJECT DESCRIPTION

10. Other public agencies whose approval is required: US Army Corps of Engineers, Regional Water Quality Control Board, Calif. Dept. of Fish and Game

3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agricultural Resources		Air Quality
X	Biological Resources		Cultural Resources		Geology / Soils
	Hazards & Hazardous Materials	X	Hydrology / Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population / Housing
	Public Services		Recreation		Transportation / Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

3.3 ENVIRONMENTAL IMPACTS

(Explanation of answers are found in Section 4.0-Environmental Evaluation)	**Potentially Significant Issues**	**Potentially Significant Unless Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area				X
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute to an existing or projected air quality violation?				X

(Explanation of answers are found in Section 4.0-Environmental Evaluation)	**Potentially Significant Issues**	**Potentially Significant Unless Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

5.	**CULTURAL RESOURCES. Would the project:**				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d)	Disturb any human remains, including those interred outside of formal cemeteries?				X
6.	**GEOLOGY AND SOILS. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**				
a)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
b)	Strong seismic ground shaking?				X
c)	Seismic-related ground failure, including liquefaction?				X
d)	Landslides?				X
e)	Would the project result in substantial soil erosion or the loss of topsoil?			X	
f)	Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
g)	Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
h)	Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water.				X

7.	**HAZARDS AND HAZARDOUS MATERIALS. Would the project:**				
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ºƒ¢ mile of an existing or proposed school?				X
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
8.	**HYDROLOGY AND WATER QUALITY. Would the project:**				
a)	Violate any water quality standards or waste discharge requirements?		X		
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which			X	

	would result in substantial erosion or siltation on- or off-site.				
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.			X	
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f)	Otherwise substantially degrade water quality?				X
g)	Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h)	Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?			X	
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j)	Inundation by seiche, tsunami, or mudflow?				X
9.	**LAND USE AND PLANNING. Would the project:**				
a)	Physically divide an established community?				X
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c)	Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				X
10.	**MINERAL RESOURCES. Would the project:**				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

11.	**NOISE. Would the project result in:**				
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies				X
b)	Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X
c)	Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
12.	**POPULATION AND HOUSING. Would the project:**				
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
13.	**PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**				
a)	Fire protection?				X
b)	Police protection?				X
c)	Schools?				X
d)	Parks?				X
e)	Other public facilities?				X

14.	**RECREATION. Would the project:**				
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b)	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
15.	**TRANSPORTATION/TRAFFIC. Would the project:**				
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (for example, result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?				X
d)	Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				X
e)	Result in inadequate emergency access?				X
f)	Result in inadequate parking capacity?				X
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (for example, bus turnouts, bicycle racks.				X
16.	**UTILITIES AND SERVICE SYSTEMS. Would the project:**				
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction or which could cause significant environmental effects?				X
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
17. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)				X
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				x

3.4 DISCUSSION OF ENVIRONMENTAL EVALUATION

See Section **4.0 ENVIRONMENTAL EVALUATION**

3.5 DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	X
I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a ▯potentially significant impact▯ or ▯potentially significant unless mitigated▯ impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature

June 14, 2000
Date

Jason Christie
Printed name

Unit Supervisor
Environmental Resources Management Unit
Title

SECTION 4. ENVIRONMENTAL EVALUATION

The following discussion provides an analysis for the response to each question on the checklist.

4.1 AESTHETICS

a-d. Would the project: a) have a substantial adverse effect on a scenic vista; b) substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; c) substantially degrade the existing visual character or quality of the site and its surroundings; or d) create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The project site is located adjacent to the Guadalupe River Park and Children's Museum on the west and a levee maintenance road and City parking lot on the east side. Due to the entrenched condition of Guadalupe River some 15-20 feet below the surrounding ground, the stream banks and bank vegetation are not easily viewed from distant locations. However, the streambank project areas would be visible from area in relatively close proximity to the site, including the recreational trail/service road at the top of each streambank. Both road/trails are used extensively by recreationalists including joggers, bikers and walkers. After construction, riparian vegetation will replace rip-rap and concrete, improving the visual quality of the two streambanks. The sites are not within scenic highways, and are not visible from Highway 280, the Guadalupe Parkway (Route 87) or surface streets.

On the west bank, the project proposes removal of exposed 1-ton rip-rap on the lower portion of the bank slope. The upper slope riparian vegetation and the Auzerais Point monument will be left intact, resulting in little perceptible change in views from either bank. When the rock has been replaced with native riparian vegetation, site aesthetics should be improved over existing conditons.

The concrete rubble and non-native *Ailanthus* trees will be removed along a 110-foot corridor on the east bank. This area is visible by Guadalupe Park users through mature riparian vegetation on the west bank. A park bench at the top of the west bank faces Site B with direct viewsof concrete debris and *Ailanthus* trees. The taller *Ailanthus* trees are also visible to recreationalists using the east bank access road and from the parking lot. However due to the underlying concrete, the trees are somewhat sparse and do not form a dense appearing riparian canopy. Although there will be some short term visual impacts during construction and during the initial plant establishment period (1-2 years), replacement of the exposed concrete and *Ailanthus* by native riparian vegetation should provide a more positive visual experience. The short term impacts are not considered significant.

Presence of construction equipment, the coffer dam, by-pass pipe and temporarily stockpiled soil (near the east access road) during project construction will adversely affect views of this section of Guadalupe River. During non-working hours equipment will be stored at 523 Locust Street outside the immediate project area. Because the project will be completed within 6 weeks, the effects of construction on area views will be temporary and will not be significant.

4.2 AGRICULTURAL RESOURCES

a-c. Would the project: a) convert prime or unique farmlands or farmland of statewide importance to non-agricultural use; b) conflict with existing agricultural zoning or Williamson Act contracts; or c) involve other environmental changes which, due to their location or nature, could result in conversion of farmland to non-agricultural use?

The project is not located within or adjacent to any farmland or agricultural activities. The surrounding land uses are exclusively urban or park.

4.3 AIR QUALITY

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

This is a short-term construction project to remove rubble and install native riparian vegetation on small sections of existing streambanks. It will have no effect on implementation of the regional air quality plan.

b-d. Would the project: b) violate any air quality standard or contribute to an existing or projected air quality violation; c) result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a federal or state ambient air quality standard; or d) expose sensitive receptors to substantial pollutant concentrations?

The project site is located in the Bay Area Air Quality Management District (BAAQMD). The Bay Area is in attainment for all national standards, but is in non-attainment under state standards for ozone (one-hour standard) and fine particulates (PM 10) (both annual mean and 24-hour standards). As the project is not a permanent development project, there will be no long term increases in air emissions or contributions to existing or projected air quality violations.

Project components include rubble and rip-rap removal, slope recontouring, application of topsoil and revegetation. The slope recontouring and resoiling will occur over a bank slope area of approximately 0.1 acre, during a 10-15 day period. This is a relatively small area of disturbance that could result in limited generation of particulates; however, District BMP's will ensure that PM10 levels do not exceed levels of significance. The amount ofparticulates would not be expected to significantly contribute to cumulative emissions or violate an air quality standard. Further the project because of its small scale and short construction window will not require a large number of machinery or trucks; exhaust emissions will be below levels of significance. There are no BAAQMD thresholds that will be exceeded as a result of the project.

e. Would the proposal create objectionable odors affecting a substantial number of people?

Wet sediments with a large organic component do have the potential to generate some odors. However, native soil at the project site, under the rip-rap and concrete, is not expected to have a significant amount of organic material, nor is it expected to be saturated in the late summer after stream dewatering.

4.4 BIOLOGICAL RESOURCES

a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species?

The Guadalupe River is known, or has the potential, to support steelhead, Chinook salmon, and southwestern pond turtle. The potential for California red-legged frog has been reviewed but potential habitat does not exist on the Guadalupe River.

Steelhead trout (*Oncorhynchus mykiss*) has been listed as a threatened species in the Central Coast Evolutionary Significant Unit (including Guadalupe River) under the Federal Endangered Species Act (ESA). The National Marine Fisheries Service has also listed streams in the Central Coast ESU as critical habitat, subject to the section 4(d) rule in the ESA (NMFS 1999). This rule identifies specific activities that could cause a species' take, and protective regulations or prohibitions critical to steelhead recovery. Existing District BMP's, such as species' relocation prior to construction, fish screens on diversion intakes, and prohibition of toxic discharges, are consistent with recommended actions in the critical habitat designation.

Adult steelhead do move through the project area to upstream spawning areas. Adult upstream migration begins in November and may run through March. As steelhead can spawn more than once, adults will migrate downstream to the ocean in the spring. Typically juveniles rear in the river or tributaries for 1 to 2 years and then migrate as smolts to the ocean between April and early June, depending on flow conditions. Juvenile young of the year steelhead utilize riffle and run habitat during the summer-fall growing season and move to deeper, slower water habitat during the high flow months (Shapovalov and Taft, 1954). Larger steelhead use the same areas as well as heads of pools for feeding. Factors adversely affecting steelhead in the Guadalupe River project area may include alteration or modification of instream habitat, urbanization and questionable water quality (including high stream temperatures) (NMFS 1997). Reliable data on the number of adult steelhead using the Guadalupe River system for spawning is not available (J. Able, personal communication, 2000). However, this number will probably increase as upstream migration barriers (Alamitos Dam, Masson Dam) are removed or laddered.

Although migrating steelhead will pass through the Guadalupe River in the vicinity of the project, the project has been scheduled to avoid any up or down stream migration period. However, summer rearing juvenile steelhead could be in, or attempt to move into the project area during the construction period. Habitat in the river adjacent to Site A and B consists of a run with cobble and concrete slabs largely covered with fine sediment. Just downstream (north) of Site A is a short riffle, probably created by several medium to large sized rip-rap pieces that migrated into the river during high flows. This rock, located about 10' downstream of the lower end of Site A, also provides cover for juvenile fish. (It is suggested below that these in-channel rip-rap boulders be left in place.) Some concrete rubble pieces from Site B, about one to three feet in length, have also been washed into the river channel, and are presently located in the low flow channel adjacent to Site B. They cover an area of about 150 square feet in the channel. In addition, at the bottom of the east bank, the river has undercut the bottom bank sediments creating an overhanging concrete ledge approximately 28 feet in length, and with a varying width of 3 to 5 feet. The in-channel concrete and undercut bank provide in-stream cover for juvenile fish during the summer rearing period. A higher elevation undercut (15' length by 3' width) on the east bank, and openings and irregularities in the rip-rap on the west bank provide similar refuge for native fish during moderate streamflows that occur during winter and spring months (J. Abel, D. Salsbery, personal communication, 2000). Elimination of this undercut bank may reduce cover and habitat available to juvenile salmonids during the summer rearing period. Similarly removal of the rip-rap on the west bank and the higher undercut concrete on the east bank may eliminate areas where fish seek refuge during moderate winter flow periods (J. Abel, personal comm. 2000). These areas are not large when compared with the entire river system, but could nonetheless affect listed fish species. Mitigation measures for both of these losses are discussed below.

Fall-run chinook salmon (*Oncorhynchus tshawytscha*) is a candidate species for listing under the federal Endangered Species Act and is a California Species of Special Concern. Chinook migrate upstream to spawn in the Guadalupe River system early October through November, and spawning occurs from October through December (USACE, 2000), although this schedule is somewhat dependent on early season rainfall. The majority of chinook salmon spawn in the downtown San Jose area and upstream to Alamitos Dam, but can be expected to use upper tributaries as barriers are removed. Eggs hatch in about 2 months and emerge as fry 2 weeks later. Juveniles may be present in the river from January to early June, but most migrate to the ocean within several months of emergence (USACE, 2000). Factors adversely affecting chinook salmon in the project vicinity include alteration or modification of instream habitat, bank stabilization, urbanization and questionable water quality (NMFS 1998).

The project also has been scheduled to avoid the primary migration periods for adult and juvenile chinook salmon. There is a small possibility that upstream spawning adults could move into areas immediately below the project prior to its completion in September or early October. The District has an on-going BMP that provides for upstream relocation of early migrating adults by a qualified fisheries biologist, if they move into reaches below the project site. Due to project timing, there should be no effects on juvenile chinook.

Juvenile steelhead, spawning chinook salmon or other native fish attempting to move into the project area after installation of the coffer dam would not be able to do so. Downstream movement would be blocked by the dam and a screened pipe intake, while upstream migration would be blocked by the sand bag check dam and sediment control measures installed at the lower end. One of the purposes of creating a dry stream channel is to eliminate movement of aquatic species into the work area. Due to the short construction period and construction during the non-migration period, this is considered an insignificant impact over a limited portion of the river (~240 foot reach), and should not adversely affect the species.

The California red-legged frog (*Rana aurora draytonii*) has been listed as threatened by the US Fish and Wildlife Service (USFWS). Site assessments and surveys for red-legged frog were conducted by Jones and Stokes Associates in the project area during January 1998. Neither frogs or suitable habitat were observed for the entire Downtown Flood Control Project area, including the project site, during these site surveys. USFWS was asked to review this red-legged frog site assessment. The Service concurred with the assessment and indicated it was unlikely the frog would be present in this section of Guadalupe River due to site conditions (see Appendix A). Therefore, there is little potential that the project could affect this species.

Southwestern pond turtle (*Clemmys marmorata*) is a federal species of concern (former category 2 candidate species). It is also a state Species of Concern and a CDFG protected species. During incidental surveys by this consultant in June 1999, November 1999 and by District fisheries biologists in November 1999 and April 2000, no pond turtles were detected. A non-native red-eared slider (turtle) was sighted on a rock just upstream of Site B during an April 2000 field visit (J Abel, personal communication, 2000). In a more thorough survey downstream of the project site by Holland in July 1994, pond turtles were not found. In addition pond turtles were not captured or observed in a Fall 1997 trapping survey by District biologists on Guadalupe River between Montague Expressway and Airport Parkway (Abel, 1997). Several red-eared sliders were captured during that survey. However, pond turtles are a very mobile species, and Holland (1994) indicates that turtles could occur in this section of the Guadalupe, eventhough instream and adjacent upland areas have "moderately poor quality habitat for western pond turtles."

As discussed in the Project Description, the District has standard operating procedures to minimize impacts to native aquatic organisms. All native vertebrate aquatic species, including southwestern pond turtle, will be captured by a qualified fisheries biologist and transported to a suitable upstream or downstream location during dewatering. Due to the absence of recent pond turtle sightings in the project area, and standard precautions taken by District staff, no impacts to pond turtles are expected from project construction.

Mitigation:

1. The loss of undercut bank and fish refuge habitat on both banks will be mitigated by the installation of six tree stump/root-wad structures constructed at the toe of the east and west banks (see Figures 7, 8 and Photo 4). These structures will be constructed in the lower bank slope, within ordinary high water, where no revegetation was previously planned. The structures will extend approximately 30 lineal feet along the toe of each bank, mitigating for the loss of undercut concrete east bank and rip-rap to be removed at the base of the west bank. The areas immediately above each stump will be revegetated with willow and cottonwood cuttings or container plants. The root-wad structures and bottom slope vegetation will provide fish habitat and cover during low and moderate flows. They will also protect the lower streambanks from excessive scour and erosion.

2. The in-stream rip-rap located approximately 10' downstream of Site A will be left in place. To mitigate for the loss of in-stream concrete debris that is providing cover and habitat at Site B, several large boulders from Site A will be placed in the channel after removal of the concrete. They will be positioned in locations that will not deflect streamflow and cause bank erosion during high flows.

b. Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFG or USFWS?

In general riparian zones provide important ecological functions for terrestrial and aquatic species. Direct benefits to fish and wildlife include cover from predators, increased stream bank stability, habitat complexity, insect food sources for juvenile salmonids, and shade for maintaining suitable water temperatures. SRA cover is particularly important for native fish.

Riparian vegetation along the downtown section of the Guadalupe River is a mixture of native and non-native trees and understory species typical of altered urbanized habitats. In the project vicinity the woody overstory is dominated by cottonwood, willows and walnut, intermixed with acacia and tree of heaven. The west bank adjacent to Site A has undergone some riparian restoration as evidenced by an existing in-ground irrigation system. Species in this area are mostly native, dominated by cottonwood and willow, with an understory of snowberry, wild rose annual grasses and English ivy. The more heavily disturbed west bank, Site B area is dominated by tree of heaven (*Ailanthus glandulosa*) with an understory of fennel and annual grasses. *Ailanthus* and fennel is growing in openings between the concrete slabs. *Ailanthus* is known as a very aggressive non-native invader that will out-compete and eventually displace more desirable native vegetation, especially in moister riparian habitats. Acacia, cottonwood and a large black walnut are located just south and north of the project site. At both sites, presence of hard materials (rip-rap and concrete) on the streambanks are inhibiting the establishment of vegetation.

Overhead SRA cover is very limited at both sites. High bank *Ailanthus* trees provide some morning summer shade to a limited instream area adjacent to Site B. Due the relatively sparse foliage, these trees provide filtered rather than full shade, and because they are non-native, provide little invertebrate food sources for fish. There is no SRA cover within the Site A rip-rap, although surrounding native cottonwoods and willow are providing substantial SRA cover in the immediate vicinity of the project. Although some instream habitat exists from instream debris and undercut bank, the habitat value for rearing salmonids is reduced due to lack of shade and overhead food sources.

The purpose of the project is to restore native riparian habitat and SRA cover that has been lost from streambank armoring with rip-rap and concrete. Two large multi-stemmed *Ailanthus* trees providing limited SRA cover will be removed, along with an additional 25 immature *Ailanthus* that are present throughout Site B. Replacement with native riparian trees (cottonwood, willow, box elder and oak) and native understory species will provide better riparian habitat for wildlife, and within 5 years replace the SRA cover lost by eliminating the *Ailanthus* trees. When fully mature, the native riparian trees will provide significantly improved shade and food sources for fish than presently exists with non-native *Ailanthus*. Care will be taken during excavation and slope recontouring to avoid injury to cottonwoods and the large walnut near Site B. The two small (0.5") cottonwood seedlings interspersed within the rip-rap at the bottom of Site A may be lost during rock excavation. With careful equipment operation, the five larger (1" to 3") cottonwoods that are sprouting from root stumps on the north and south edges of the rip-rap should be able to be preserved. As indicated in District BMP's all trees adjacent to the construction zone to be saved will be flagged or fenced so that they are readily visible to the contractor.

To summarize, the project will remove existing hard materials and several small cottonwood seedlings at Site A, as well as a number of non-native *Ailanthus* trees on the higher bank slope at Site B. Both of these areas will be revegetated with native riparian species. The project will result in improved riparian habitat and SRA cover as native plants become established. The removal of existing non-native vegetation and native cottonwood seedlings will have little effect on fish or wildlife habitat values during the establishment period because this vegetation has little existing biotic value.

There are no other natural communities identified as sensitive within the project vicinity. Fish and aquatic issues are discussed above and wetlands discussed below.

c. Will the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means?

No wetlands were identified in the project area or immediately upstream or downstream of the project site. Emergent wetland vegetation (cattail, pondweed, etc.) is sparse in this section of the Guadalupe River due to the steep banks, constricted nature of the watercourse, and lack of any backwater areas.

d. Will the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The migration of adult and juvenile salmonids is discussed above in Section 4.a. Other resident fish species known from the Guadalupe River include native species: Sacramento sucker, Callifornia roach, hitch, prickly sculpin and riffle sculpin. Introduced species include goldfish, carp, largemouth bass, sunfish and mosquito fish (USACE 2000). Native resident fish species, if found, would also be moved out of the construction area and precluded from re-entering by intake screens and sediment control structures. No impacts are expected due to the limited project timespan and short stream reach affected.

The project will reduce mammal, amphibian and reptile movements in the immediate project vicinity during construction, but should not affect longer range movement of species. Due to the limited construction timespan and small area affected, this will not have a significant adverse effect on these species during the construction period. Other than those species discussed above, no other sensitive wildlife species have been documented in the area. Due to the urban setting and lack of upland buffer habitat, bird and mammal species (i.e. cowbird, Steller jay, skunk, raccoon, opossum) adjusted to urban environments would be expected to predominate. In fact in the Site B project area, approximately 10-15 feral cats and several human feeding stations have been documented. Surveys have been conducted for nesting raptors or other sensitive birds, and presence of other sensitive species in the Downtown Flood Control Project reaches. None were detected in the rubble removal project area. Because there are no special status species in the area, the work is proposed to be conducted outside of the avian nesting season, and the project will result in improved riparian habitat, potential impacts from the project are considered less than significant.

e. Will the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The City of San Jose has a tree removal ordinance that protects heritage trees on private property (Ord. 16343, 6/83). The ordinance requires private property owners to get a permit to remove trees greater than 18" in diameter. However because the proposed project is on public land, and all trees to be removed will be less than 18" diameter, the ordinance is not applicable.

f. Will the project conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

There are no known state, regional or federal HCP's or species' recovery plans for special status species on this portion of Guadalupe River. The District is presently preparing a District-wide HCP on a number of listed species, including those in the Guadalupe River watershed. The City of San Jose does have a Riparian Corridor Policy Plan (Habitat Restoration Group, 1993) that advocates restoration of native riparian habitat along impacted streams, in concert with the proposed project.

4.5 CULTURAL RESOURCES

a-d. Will the project cause a) substantial adverse change in the significance of a historical resource; b) a substantial adverse change in the significance of an archaeological resource; c) directly or indirectly destroy a unique paleontological resource or geological feature, or d) disturb human remains?

There are no known paleontologic or geologic resources within the Guadalupe River channel. Although there are historic and archaeologic resources in the downtown area and in the vicinity of Guadalupe River (USACE 2000), both streambanks at the project site have been previously disturbed by armoring with rip-rap and concrete rubble. If, after removal of this material, there is any evidence in underlying native soils of archaeological resources or artifacts (bone, shell, ash, rock fragment), all work will be halted and the District will consult with an experienced Archaeologist to develop a plan to recover or protect the resource. This is a District standard operating best management practice.

4.6 GEOLOGIC HAZARDS

a-d. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving: a) fault rupture, b) strong seismic ground shaking, c) seismic-related ground failure, including liquefaction, or d) landslides?

The project does not involve the construction of human-occupied structures, or exposure of persons to seismic hazards or landslides.

e. Would the project result in substantial erosion or loss of topsoil?

Removal of the rip-rap and concrete rubble will expose the lower underlying bankslope at Site A, and the entire bankslope at site B to erosion. Any erosion could mobilize mercury contaminants bound within the sediments. Potential for mercury contamination is discussed in Section 4.8 below. Because the project is scheduled during the summer dry season when streamflows are low and no precipitation is expected, the erosion hazard is not significant. Immediately after slope recontouring and resoiling, the District's contractor will install a double erosion control blanket and completely cover all exposed slope surfaces. During mid-fall, the slopes will be revegetated with native plant species that are expected to provide full bank slope coverage when the erosion control blankets biodegrade in 3-4 years. Therefore, with the currently planned erosion control measures, there should be no erosion occurring from the project.

f-g. Would the project be located on f) a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or g) on expansive soils?

Because of soil moisture and presence of loose alluvial sediments, streambanks are areas subject to geologic hazards such as lateral spreading, liquefaction or surficial landsliding. However, the project will remove the surface features—rip-rap and concrete rubble--that provide the greatest hazard if slope failure occurs. The project will also recompact underlying soil to about 85%, reducing the potential for these types of failure. The project does not involve construction of inhabited structures that could fail, and chances are remote that persons would be in areas of the river channel that would be subject to these hazards.

h. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

Sewers are available in this area. The project does not involve construction of facilities requiring wastewater disposal.

4.7 HAZARDS AND HAZARDOUS MATERIALS

a-d. Would the project: a) create a significant public hazard through routine transport, use or disposal of hazardous materials; b) create a significant hazard involving accidental release of hazardous materials into the environment; c) emit hazardous materials within ¼ mile of a school; or d) be located on a hazardous materials site?

The rip-rap and concrete debris that will be transported from the site are not considered hazardous materials. Handling of fuel, other equipment fluids and other types of hazardous materials associated with the construction equipment operated at the site will be subject to District standard operating BMP's listed in the Project Description. No impacts from hazardous materials are expected from this project.

e-f. Would the project result in a safety hazard due to location near an airport or private airstrip?

The project site is about 2 miles south of the San Jose International Airport and lies within the flight path of aircraft making the final approach to the most frequently used runways. However, the project does not involve construction or creation of a facility that would result in additional public use or subject the public to additional hazards from aircraft.

g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The project will be confined to the river channel, banks and east levee. None of the levees or maintenance roads is used for emergency response or evacuation. The project will not affect emergency response or evacuation plans.

h. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The project site is located in an urban setting without nearby wildlands. The project setting, the type of project proposed and equipment to be used are unlikely to cause fire hazards.

4.8 HYDROLOGY AND WATER QUALITY

a,f. Would the project a) violate any water quality standards or waste discharge requirements; or f) otherwise degrade water quality?

The project contractor will implement District Best Management Practices to prevent sediment from bank slopes or channel bottom to be carried downstream during and immediately after construction. Additional BMP's will prevent any accidental spills of hazardous materials from construction equipment. These BMP's are identified in the Project Description in Section 2.

Mercury contamination from historic cinnabar mining in the upper Guadalupe River watershed is of concern during any activity that removes or disturbs sediment in the stream channel or on the banks. Sediment-bound mercury can be released to the river and thus become available to aquatic organisms. The State Water Resources Control Board and SF Bay Regional Water Quality Control Board have prepared a draft TMDL (Total Maximum Daily Load) plan for San Francisco Bay for mercury that calls for a 90 percent reduction in mercury loading from the Guadalupe River system (USACE 2000). Because soil removal and replacement at the project site could add mercury-bearing sediments to the River, the following mitigation measures will be added to the project:

1.Soil material grubbed, scraped and excavated from the channel banks shall be randomly sampled for total mercury and methyl mercury concentrations at a rate of one sample for every 2,500 cubic yards of material removed.

2. Construction specifications shall include a requirement that material grubbed, scraped and excavated from the channel banks is not to be reused onsite unless it can be demonstrated to contain less than 0.1 mg/kg total mercury. If soil is disposed offsite, the material shall be hauled to an accepting location or facility

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

Removal of concrete and rip-rap, slope recontouring and revegetation with native plants will not affect groundwater supply or reduce groundwater recharge. Removal of concrete debris on the east bank may increase groundwater recharge into the bank slope during moderate-high flows, restoring groundwater conditions in the bank slope to natural levels that existed before concrete placement. The overall effect will be to provide more residual soil moisture for riparian vegetation and native fauna.

c-e. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in: c) substantial erosion or siltation on or off site; or d) increase in surface runoff causing flooding; or e) create runoff which would exceed the capacity of existing or planned storm water drainage?

Drainage patterns will be altered during the one-month construction period by water diversion around the construction site. This is not considered significant due to the short project timeframe and the limited stream reach affected. Project scheduling during the late summer low flow period will avoid drainage or flood impacts that could occur during higher flows. Removal of the rip-rap and concrete, and recontouring the east bank from a 1:1 to 2:1 slopewill provide a slightly larger channel cross-section and the ability to pass somewhat higher flood flows through the project reach. Local runoff and drainage patterns will not be affected by the project after construction.

g,h. Would the project g) place housing within a 100-year floodplain or h) place structures within a 100-year flood hazard area that would impede or redirect flood flows?

Construction of housing or permanent structures is not part of the proposed project. Temporary structures such as the coffer dam, pumps, pipe and sediment control facilities will be removed before the onset of winter rains. The low bank rip-rap and concrete are “structures” that presently impede flood flows. These will be removed, but will be replaced with root wads and some in-channel boulders as mitigation for loss of fish cover. These new structures will not be large enough to cause a significant obstruction or redirect flood flows. As indicated above, the project will result in a slightly larger channel cross-section thereby increasing the flood capacity of the channel.

i,j. Will the project expose persons or structures to levee or dam failure or inundation by seiche, tsunami or mudflow?

The project site is not located in an area that would expose people to mudflow or tsunami hazards, and the project will not affect or alter any existing hazard due to failure of an upstream dam or upstream seiche. The project will not affect the height or integrity of the existing Guadalupe River bankslope.

4.9 LAND USE AND PLANNING

a. Will the project physically divide an established community?

The project will take place within the confines of the banks and channel of theGuadalupe River. During construction, vehicles and pedestrians will be able to use existing surface streets and walkways to access facilities on both sides of the river. The east levee maintenance road at Site B will be blocked during the construction and all pedestrians and bicyclists will be routed to the west bank trail via the Auzerais pedestrian bridge or the Woz Way sidewalk. Construction will not affect use of the adjacent parking lot. The project after construction will not result in any structure or facility that will disrupt or divide the downtown community.

b,c Will the project b) conflict with any land use plan, policy or regulation of an agency with jurisdiction over the project, or c) conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

Although the City of San Jose does not have permit authority over the project, it is consistent with applicable plans and policies. The City's Riparian Corridor plan does recommend the riparian enhancement measures that are a part of this project. Other permitting agencies with jurisdiction over this project (Section 1.5) will not issue permits unless the project is consistent each agency's applicable policies and regulations. As indicated in Section 4.4(f) above, there are no known conflicts with an HCP or NCCP.

4.10 MINERAL RESOURCES

a-b. Would the project a) result in the loss of availability of a known mineral resource; or b) result in the loss of availability of a locally-important mineral resource recovery site designated on a general plan?

The project site is not located in an area having mineral resources or with a mineral resource recovery designation.

4.11 NOISE

a-b. Would the project result in exposure of people to a) severe noise levels, or b) ground borne vibration?

Proposed hours of work for this project are 6 AM to 8 PM in accordance with contract documents. The site experiences existing background noise from Highways 280 and 87. Ambient daytime noise levels will increase due to use of an excavator, crane, loader and haul trucks during project construction; however, noise increases from this equipment is not expected to be severe, and there are no residences or sensitive receptors within the immediate project vicinity. The contract specifications indicate that project noise levels at the property line or temporary construction area may not exceed 86 dBA during working hours or 60 dBA during nonworking hours (i.e. from water diversion pumps). In addition no individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the property line. District BMP's relating to noise are also in place to ensure the project will comply with the City of San Jose noise standards. The project is not expected to cause ground borne vibration.

c-d. Would the project cause c) a substantial permanent increase in ambient noise levels in the project vicinity; or d) a substantial temporary or periodic increase in ambient noise levels?

The project will not result in a permanent increase in noise levels. There will be temporary increases in noise levels associated with the use of heavy equipment. Noise levels will vary throughout the day depending on the type of equipment in use at any particular time. Land uses in the immediate project vicinity are not noise-sensitive. A parking lot is located near the east bank Site B where construction equipment will be operating much of the time. Guadalupe Park separates the Children's Discovery Museum from Sites A and B; therefore, noise impacts on activities at the museum should not be significant. As required by the District's standard operating BMP, all equipment will be equipped with noise control devices and mufflers, and excessive idling of trucks or equipment will be prohibited.

e-f. Would the project expose people to excessive noise levels associated with a location near e) an airport, or f) a private airstrip?

The project site lies under the final approach path to San Jose International Airport, and is therefore subject to noise from landing jet aircraft. However, the project will not expose additional people to this noise, other than construction workers during the 1-month construction period. This is considered a less-than-significant impact. There are no private airstrips in the project vicinity.

4.12 POPULATION AND HOUSING

a. Would the project induce substantial population growth either directly or indirectly?

The project will not result in construction of housing or facilities that will induce population growth. Due to the small size and short-term nature of the project, it is not expected to induce new construction workers to relocate to the area.

b-c. Would the project b) displace substantial numbers of existing housing, or c) displace substantial numbers of people, necessitating the construction of housing elsewhere?

Due to its location in a river channel, the project will not displace people or housing.

4.13 PUBLIC SERVICES

a-e. Would the project result in physical impacts associated with the provision of new public services in the following areas: a) fire protection, b) police protection, c) schools, d) parks, or e) other public facilities?

The stream channel restoration project will not result in construction of housing or other permanent facilities that could generate population growth and a need for public services. The work crew could conceivably use some of these services, but this use would not create a demand for new service facilities. Therefore, the project will not have an effect on fire, police, schools, parks or other public facilities.

4.14 RECREATION

a-b. Would the project a) increase the use of existing neighborhood and regional parks, or b) require expansion of recreational facilities?

The project will not result in a land use that would generate the need for recreation facilities. The nearby Guadalupe River Park will not be affected by the project. The closure of the east bank levee maintenance road near Site B will require walkers and bicyclists to use the Guadalupe River Park trail on the west bank for approximately 6 weeks, but this increased use will not adversely affect the park.

4.15 TRANSPORTATION/CIRCULATION

a-b. Would the project a) result in increased vehicle or traffic congestion, or b) exceed the established level of service standards?

The project could result in a minor increase in construction worker trips to and from the site during peak A.M and P.M commute times; however if project construction occurs between 6 AM and 8 PM as presently planned, there would be no impact on peak commute traffic. The maximum expected workforce is 6-8 individuals (S. Ferranti, personal communication 2000). Compared with the existing commute, the number of workers coming to and from the site is insignificant. The project would also generate truck trips to/from the District's Brokaw maintenance yard and landfill sites (presumably Zanker Road or Newby Island). Anticipated truck trips are 4-5 per day over a three to five day period during removal ofrip-rap and concrete. Compared with total vehicle traffic on area roadways, these increases should not result in increased congestion and are considered insignificant.

c Would the project result in a change in air traffic patterns?

The project will have no effect on air traffic patterns.

d-e. Would the project d) substantially increase traffic hazards due to design features, or e) result in inadequate emergency access?

The project will not require any changes to roadway or intersection design or result in incompatible uses. Public access will still be available on existing streets, sidewalks and the west bank park trail/service road. The east bank service road adjacent to Site B will be closed for public safety, with detour signs installed to direct users to the west bank trail via theAuzerais pedestrian bridge to the north or the Woz Way sidewalk to the south. Emergency access will not be affected. Per District BMP, a traffic control person will be used when vehicles and equipment are crossing Woz Way, moving between the staging site and the construction zone. Signing and fencing will be installed to protect pedestrians, onlookers or other recreationalists from hazards in the construction zone.

f. Would the project result in inadequate parking capacity?

Construction workers will park at the staging site at 523 Locust St. There will be no requirement for new parking facilities, or increased demand on existing facilities.

g. Would the project conflict with adopted plans, policies or programs supporting alternative transportation?

The project will not impact alternative transportation facilities (bus turnout, bike racks or bike path). It is not generating any permanent increases in vehicle trips or traffic congestion, requiring consideration of alternative transportation modes.

4.16 UTILITIES AND SERVICE SYSTEMS

a-g. Would the project: a) exceed wastewater treatment requirements, b) require construction of new water or wastewater treatment facilities, c) require construction of new storm water drainage facilities, d) have sufficient water supplies to serve the project, e) result in a determination of inadequate wastewater treatment capacity to serve project demand, f) be served by a landfill with sufficient permitted capacity, or g) comply with federal, state and local statutes and regulations related to solid waste?

The project involves restoration of a stream channel and will not result in a land use change that will require the need for new utilities or service systems. Storm water drainage through the restored channel will be substantially the same as the pre-project condition. The rip-rap, concrete debris and existing soil will be reused on or off site to the maximum extent possible, with landfill disposal considered (for concrete) if necessary.

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

As indicated in subsection 4.4, there will be no impacts on listed plants or animals or plant/animal communities. Potential impacts could occur to listed fish species, but not at levels that would substantially reduce habitat or cause populations to drop below self-sustaining levels. Reduction of fish cover within a short reach of Guadalupe River will be mitigated by retaining and replacing instream rip-rap, installing root-wads at the base of the bank slope, and conducting the project during a period when adult and smolt salmonid migration should not be occurring. The major purpose of the project is to restore riparian habitat and SRA cover to a portion of the Guadalupe River. As a mitigation project, it will improve rather than degrade the quality of the environment by increasing fish and wildlife habitat values. The project should have no effect on cultural resources.

b. Does the project have impacts that are individually limited, but cumulatively considerable?

The proposed rubble removal and SRA cover project is one of several similar projects on the Guadalupe River system that will improve riparian habitat and SRA cover over the next several years. All of these projects are supported by resource agency plans and policies, and are considered to be beneficial. The loss of instream fish cover, while it could be significant if it occurred along major sections of Guadalupe River, will be mitigated as noted above.

Other work on or near the Guadalupe River in the project vicinity includes Caltrans expansion of Highway 87, and construction of a Guadalupe River bridge crossing at Taylor Street. There is no major construction activity scheduled in summer 2000 as part of the overall downtown Guadalupe Flood Control Project. Construction projects near the proposed rubble removal project will not result in significant adverse cumulative impacts.

The project affects a very small portion of the overall range of southwestern pond turtle, chinook salmon and steelhead. Any potential adverse impacts will be temporary. Mitigation measures and District BMPs are included in the project to avoid and minimize biologic impacts; thus, the project will not result in significant cumulative impacts to habitats or species (see subsection 4.4). No other impacts would be cumulatively significant.

c. Does the project have environmental impacts which will cause substantial adverse Effects on human beings, either directly or indirectly?

The project will not cause significant adverse effects related to aesthetics (4.1), agricultural resources (4.2), air quality (4.3), cultural resources (4.5), geology and soils (4.6), hazards and hazardous materials (4.7), hydrology (4.8), land use (4.9), mineral resources (4.10), noise (4.11), population and housing (4.12), public services (4.13), recreation (4.14), transportation/circulation (4.15), and utilities and service systems (4.16). Although not directly harmful to humans, potential impacts to fish (4.4), and to aquatic organisms from mercury contamination (water quality-4.8) will be mitigated. Substantial adverse effects on human, either direct or indirect, will not occur.

SECTION 5. REFERENCES

5.1 SANTA CLARA VALLEY WATER DISTRICT REPORT CONTRIBUTORS

Abel, Jae, Fisheries Biologist
Ferranti, Stephen, Associate Civil Engineer—Facilities Planning and Design Division
Neudorf, Terry, Environmental Planner
Padley, Doug, Wildlife Biologist
Reiller, Kenn, Civil Engineer—Maintenance Division
Salsbery, David, Fisheries Biologist

5.2 REFERENCES

Abel, J. 1997. Unpublished survey data for Southwestern Pond Turtle, Montegue Expressway to Airrport Parkway, September 27, 1997 to October 27, 1997.

Bay Area Stormwater Management Agencies Association (BASMAA). December 1999. Flood Control Maintenance Best Management Practices Reference Guide. Prepared by EOA, Inc.

California Department of Fish and Game. 1998. California Salmonid Stream Habitat Restoration Manual, 3rd Edition.

City of San Jose. 1994. San Jose 2020 General Plan. Department of Planning, Building and Code Enforcement. San Jose, CA.

Hickman, J.C. The Jepson Manual, Higher Plants of California. UC Press. Berkeley, CA.

Holland, D.C., Western Aquatic Turtle Research Consortium. July 22, 1994. Letter to Ms. Nancy Bernardi, Evergreen Resource Conservation District.

Moyle, P.B. Inland Fishes of California. UC Press. Berkeley, CA.

National Marine Fisheries Service (NMFS). 1997. Endangered and threatened species: listing of several evolutionary significant units (ESUs) of West Coast steelhead. Federal Register 62 (159): 43937-43953. August 18, 1997.

National Marine Fisheries Service (NMFS). 1998. Endangered and threatened species: Proposed endangered status for two chinook salmon ESUs and proposed threatened status for five chinook salmon ESUs; proposed redefinition, threatened status, and revision of critical habitat for one chinook salmon ESU; proposed designation of chinook salmon critical habitat in California, Oregon, Washington, Idaho. Federal Register 63 (45): 11482-11520. March 9, 1998.

National Marine Fisheries Service (NMFS). 1999. Endangered and Threatened Species: Proposed Rule Governing Take of Threatened Snake River, Central California Coast, South/Central California Coast, Lower Columbia River, Central Valley California, Middle Columbia River and Upper Willamette River Evolutionarily Significant Units (ESU's) of West Coast Steelhead. Federal Register 64 (250): 73479-73506. December 30, 1999.

Shapovalov, L. and A.C. Taft. 1954. The Life Histories of the Steelhead Rainbow Trout (*Salmo gairdneri gairdneri*) and Silver Salmon (*Oncorhynchus kisutch*) with special reference to Waddell Creek, CA, and Recommendations regarding their Management. California Dept. of Fish and Game, Fish Bulletin No. 98. Sacramento, CA

Santa Clara Valley Water District. September 18, 1998. "Final Best Management Practices Plan for the 1998 Sediment Removal Project".

Santa Clara Valley Water District. July 1999. Specifications and Contract Documents for the Guadalupe river, Contract 3C at Children's Discovery Museum. Project No. 3015.

U.S. Army Corps of Engineers, Santa Clara Valley Water District. 1999. Internal Review Draft Final Mitigation and Monitoring Plan—Guadalupe River Flood Control Project, Downtown San Jose, California.

U.S. Army Corps of Engineers, Santa Clara Valley Water District. 2000. Internal Review Draft--Integrated General Re-Evaluation Report/Environmental Impact Report/Supplemental Environmental Impact Statement for Proposed Modifications to the Guadalupe River Project, Downtown San Jose, CA Vol. 1-3.

SECTION 6

FIGURES AND PHOTOGRAPHS

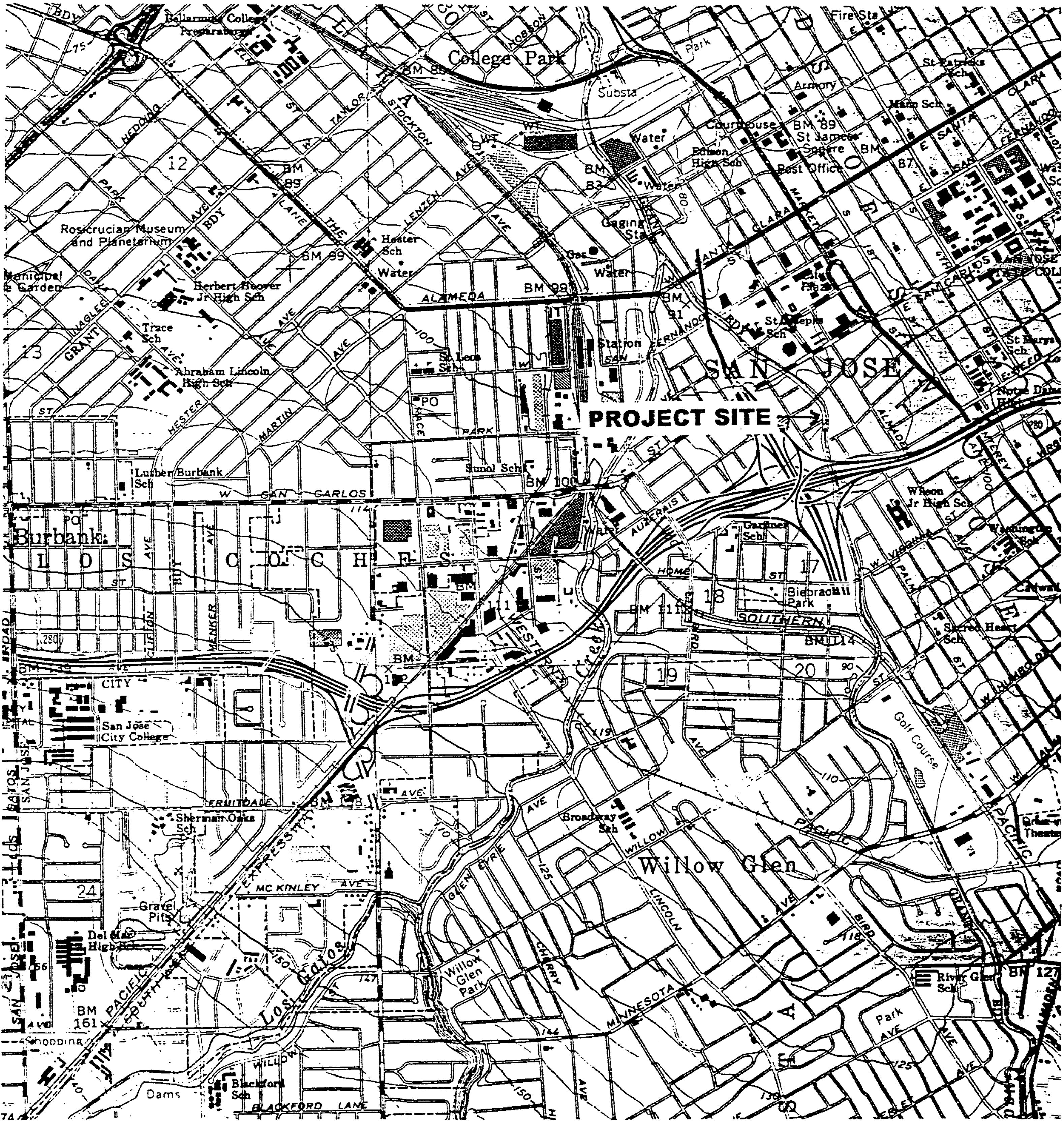
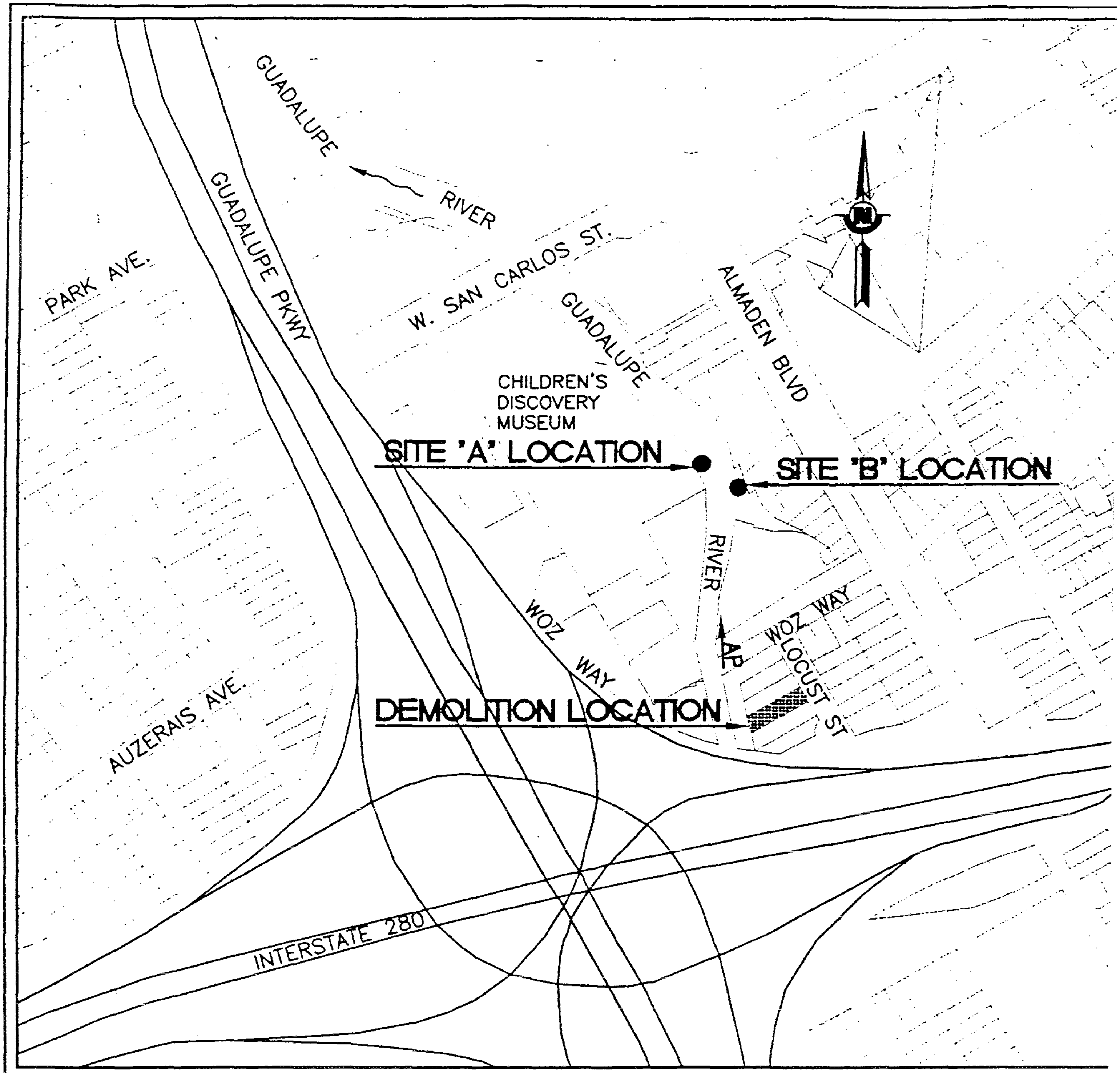


FIGURE 1. PROJECT LOCATION



REGISTERED PROFESSIONAL ENGINEER
STEPHEN M. FERRANTI
No. 47275
Exp. 12/31/99
CIVIL
STATE OF CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
JOSPEPH CHAO-HSIA CHEN
No. 52148
Exp. 12/31/02
CIVIL
STATE OF CALIFORNIA

DATE JULY 1999	Santa Clara Valley Water District		GUADALUPE RIVER	SCALE N.T.S.
DESIGN S. FERRANTI			MITIGATION & DEMOLITION	SHEET
DRAWN C. MAENPAA	ENGINEERING CERTIFICATION Steph M. Ferranti	ENGINEERING APPROVAL	VICINITY MAP	2
CHECKED S. FERRANTI	PROJECT ENGINEER R.C.E. NO. 47275	PROJECT MANAGER R.C.E. NO. 52148		OF 9

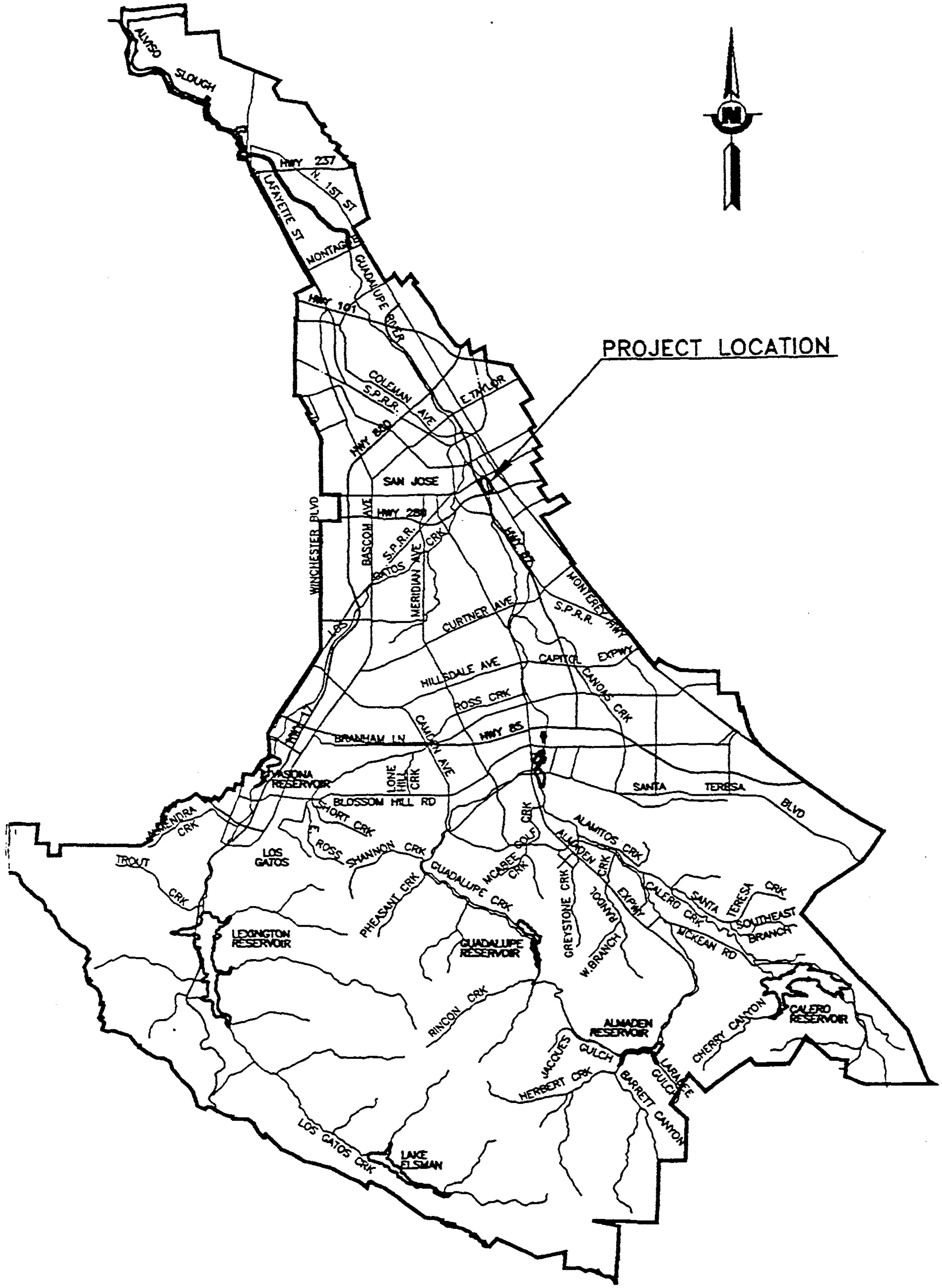
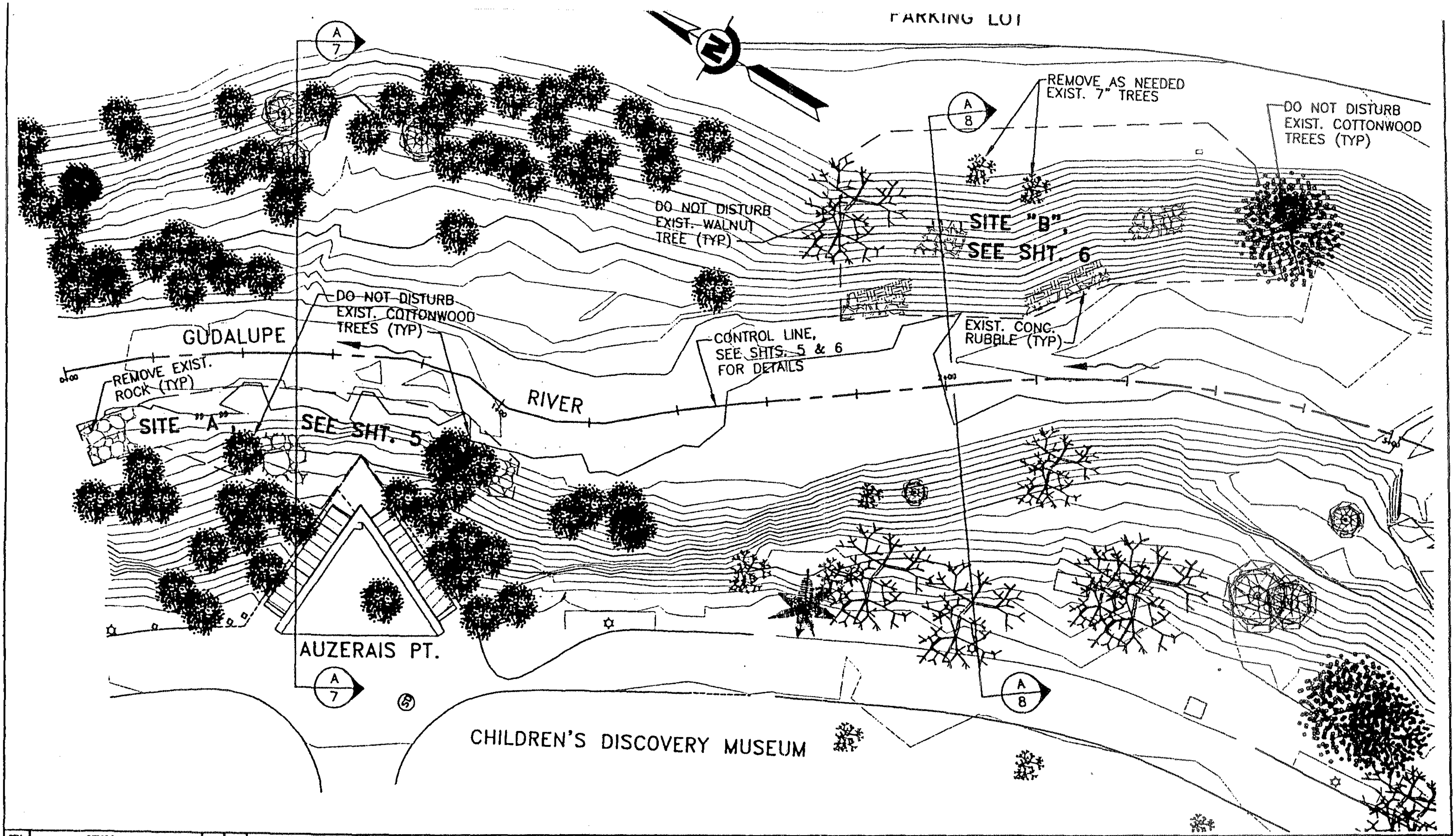


FIGURE 3. GUADALUPE RIVER WATERSHED


PARKING LOT
A 7
A 8
REMOVE AS NEEDED EXIST. 7" TREES
DO NOT DISTURB EXIST. COTTONWOOD TREES (TYP)
DO NOT DISTURB EXIST. WALNUT TREE (TYP)
SITE "B" SEE SHT. 6
DO NOT DISTURB EXIST. COTTONWOOD TREES (TYP)
GUDALUPE
RIVER
CONTROL LINE, SEE SHTS. 5 & 6 FOR DETAILS
EXIST. CONC. RUBBLE (TYP)
REMOVE EXIST. ROCK (TYP)
SITE "A" SEE SHT. 5
0+00
1+00
2+00
3+00
AUZERAIS PT.
A 7
A 8
CHILDREN'S DISCOVERY MUSEUM

REV	DESCRIPTION	DATE	APPR	REFERENCE INFORMATION AND NOTES

STEPHEN M. FERRANTI No. 47270 Exp. 12/31/00 CIVIL STATE OF CALIFORNIA

DATE JULY 1999
DESIGN S.FERRANTI
DRAWN CGM
CHECKED S.FERRANTI

Santa Clara Valley Water District

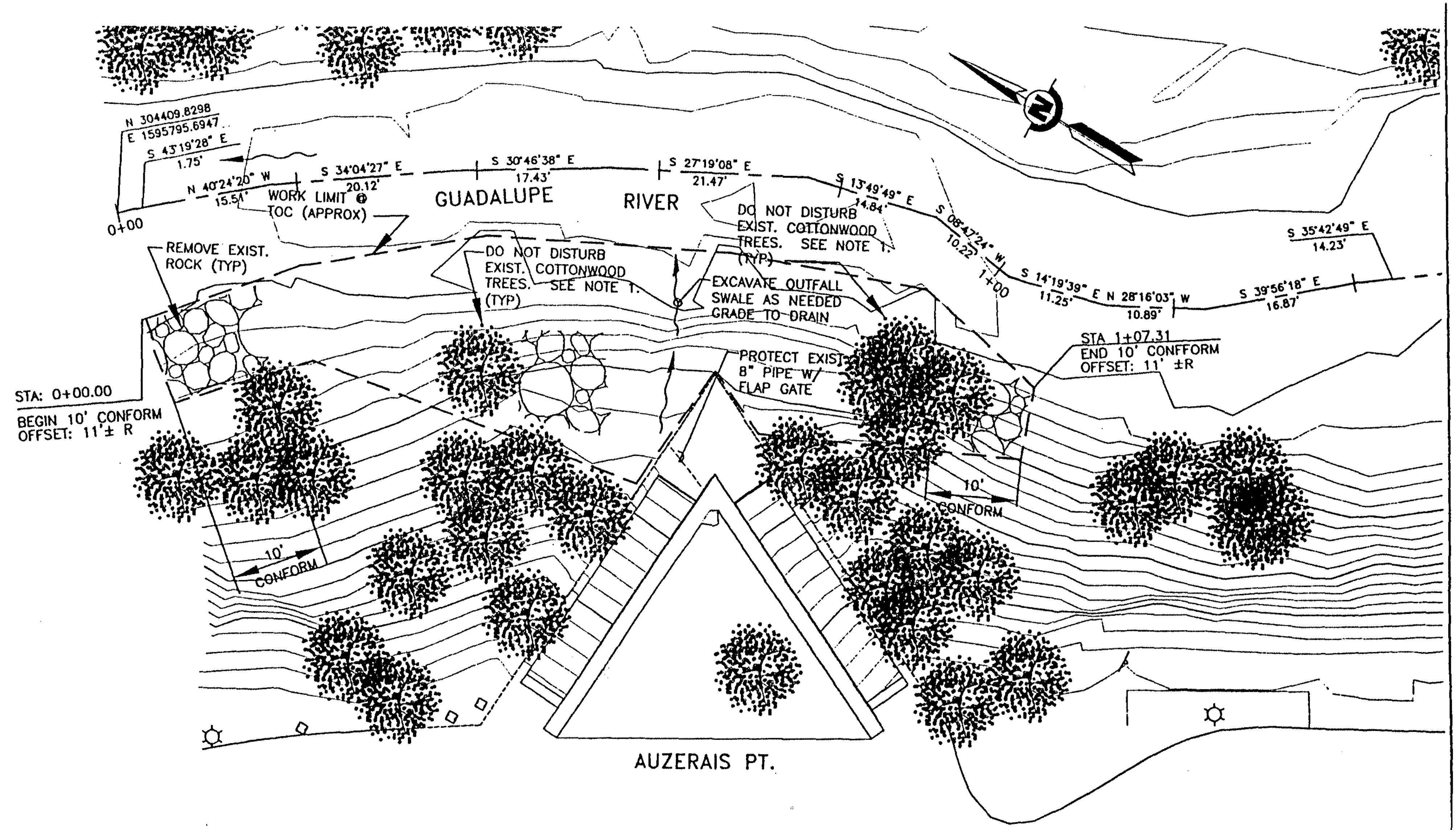
ENGINEERING CERTIFICATION
PROJECT ENGINEER R.C.E. NO. 47270

ENGINEERING APPROVAL
PROJECT MANAGER R.C.E. NO. 60140

GUADALUPE RIVER
MITIGATION & DEMOLITION
GENERAL SITE PLAN

SCALE 1" = 20'
SHEET 4 OF 6

w:\dsgn\sdskproj\3015_017\sheets\sh4.dwg



REV	DESCRIPTION	DATE	APPR	REFERENCE INFORMATION AND NOTES
				1. Vary finish grade as needed to conform to existing trees.

STEPHEN M. FERRANTI
No. 47270
Exp. 12/31/00
CIVIL
STATE OF CALIFORNIA

DATE	JULY 1998
DESIGN	S.FERRANTI
DRAWN	CGM
CHECKED	S.FERRANTI

Santa Clara Valley Water District

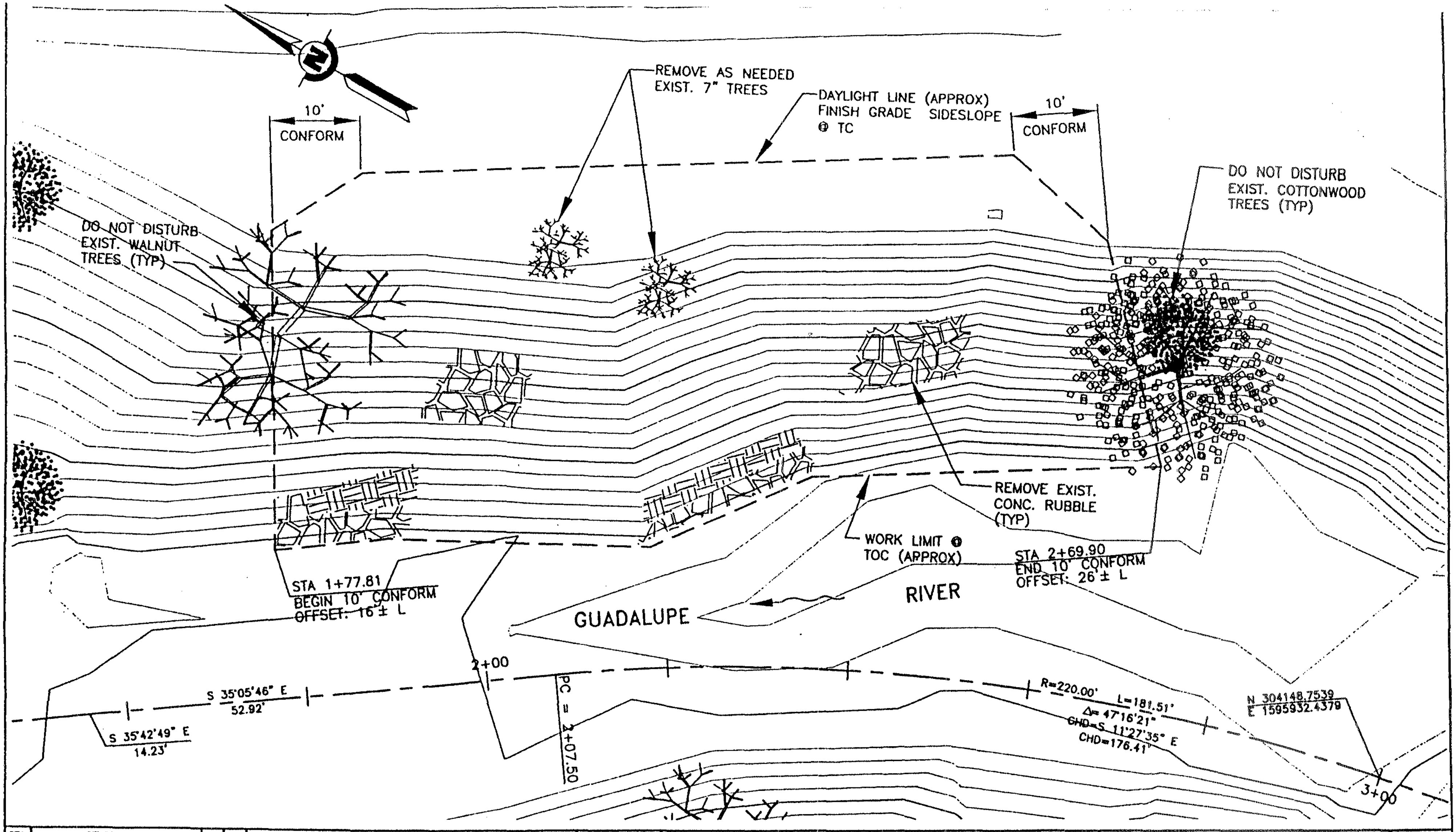
ENGINEERING CERTIFICATION
Stephen M. Ferranti
PROJECT ENGINEER R.C.E. NO. 47270

ENGINEERING APPROVAL
PROJECT MANAGER R.C.E. NO. 28146

GUADALUPE RIVER
MITIGATION & DEMOLITION
SITE "A" PLAN

SCALE 1" = 10'
SHEET 5 of 9

w:\dwgs\sdsiproj\3013_017\sheets\Sht5.dwg



REV	DESCRIPTION	DATE	APPR	REFERENCE INFORMATION AND NOTES

DATE JUNE 1998
DESIGN S.FERRANTI
DRAWN CGM
CHECKED S.FERRANTI

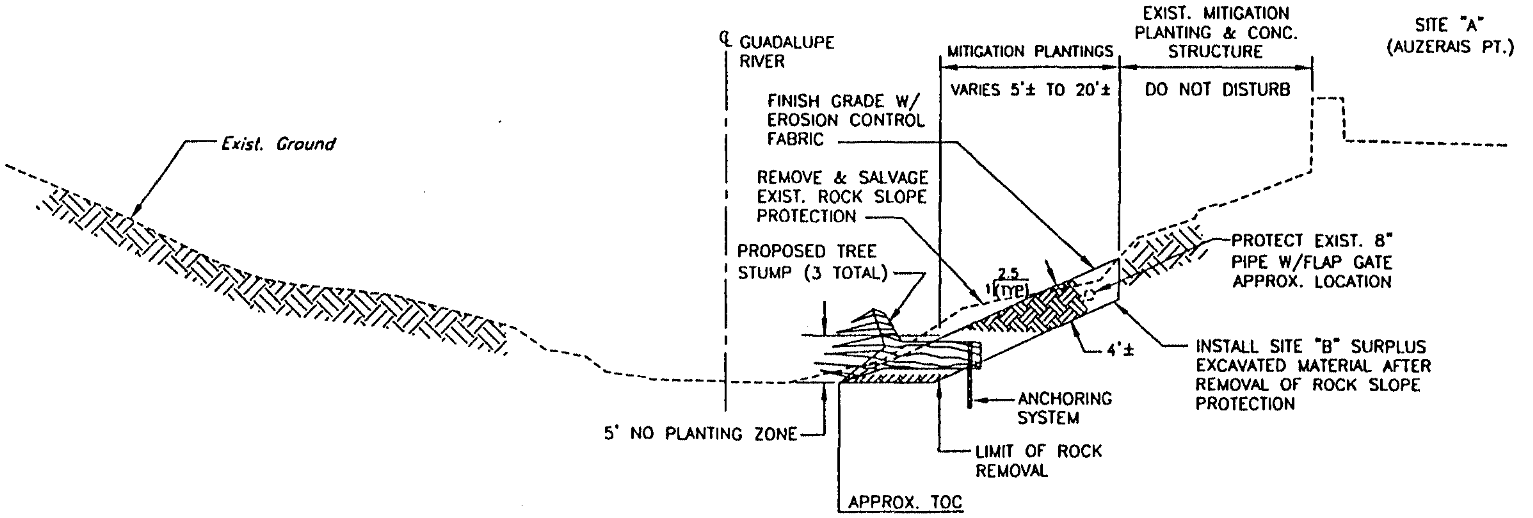
Santa Clara Valley Water District

ENGINEERING CERTIFICATION
PROJECT ENGINEER R.C.E. NO. 47276

ENGINEERING APPROVAL
PROJECT MANAGER R.C.E. NO. 32140

GUADALUPE RIVER
MITIGATION & DEMOLITION
SITE "B" PLAN

SCALE 1" = 10'
SHEET 6 OF 8


℄ GUADALUPE RIVER
MITIGATION PLANTINGS
EXIST. MITIGATION PLANTING & CONC. STRUCTURE
SITE "A" (AUZERAIS PT.)
VARIES 5'± TO 20'±
DO NOT DISTURB
FINISH GRADE W/ EROSION CONTROL FABRIC
Exist. Ground
REMOVE & SALVAGE EXIST. ROCK SLOPE PROTECTION
PROPOSED TREE STUMP (3 TOTAL)
2.5
1
(TYP)
PROTECT EXIST. 8" PIPE W/FLAP GATE APPROX. LOCATION
4'±
INSTALL SITE "B" SURPLUS EXCAVATED MATERIAL AFTER REMOVAL OF ROCK SLOPE PROTECTION
ANCHORING SYSTEM
5' NO PLANTING ZONE
LIMIT OF ROCK REMOVAL
APPROX. TOC

SECTION (A) TYPICAL SECTION @ SITE "A"
(LOOKING UPSTREAM)

REV	DESCRIPTION	DATE	APPR	REFERENCE INFORMATION AND NOTES

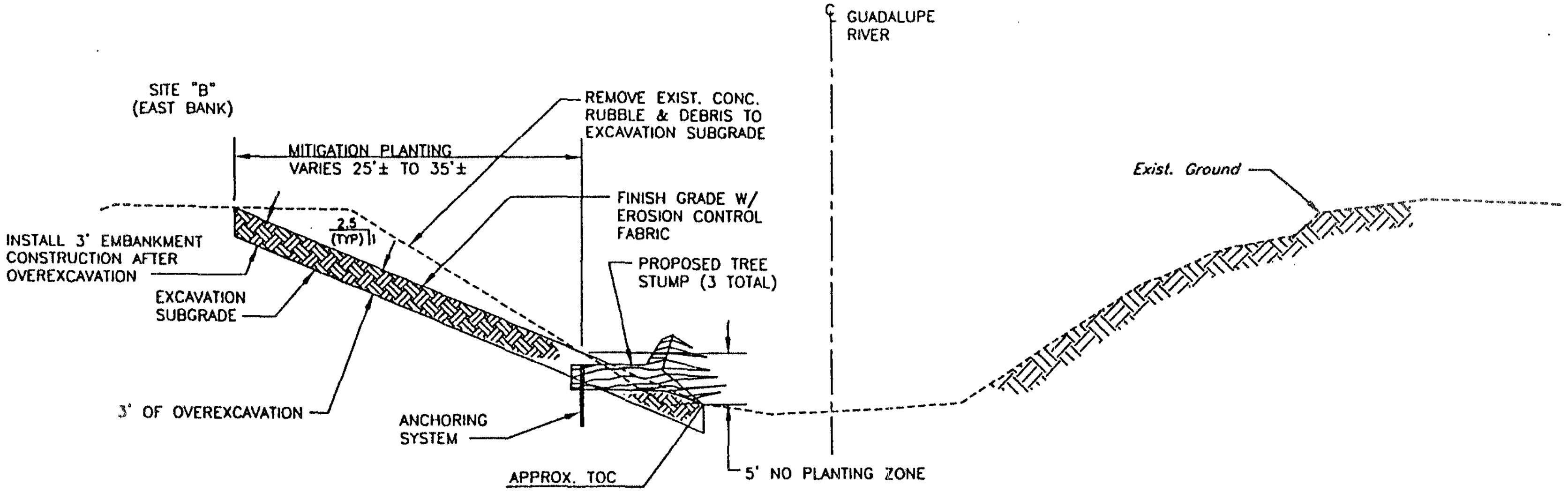
DATE 3/11/00
DESIGN S. FERRANTI
DRAWN C. MAENPAA
CHECKED S. FERRANTI

Santa Clara Valley Water District

GUADALUPE RIVER
MITIGATION PLANTINGS @ CDM
CO 458
TYPICAL SECTION

VERIFY SCALES
0 1"
BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

SCALE
NOT TO SCALE
SHEET
1
1 OF 2


℄ GUADALUPE RIVER
SITE "B" (EAST BANK)
MITIGATION PLANTING VARIES 25'± TO 35'±
REMOVE EXIST. CONC. RUBBLE & DEBRIS TO EXCAVATION SUBGRADE
FINISH GRADE W/ EROSION CONTROL FABRIC
2.5 (TYP) 1
INSTALL 3' EMBANKMENT CONSTRUCTION AFTER OVEREXCAVATION
EXCAVATION SUBGRADE
PROPOSED TREE STUMP (3 TOTAL)
3' OF OVEREXCAVATION
ANCHORING SYSTEM
APPROX. TOC
5' NO PLANTING ZONE
Exist. Ground

SECTION (A) TYPICAL SECTION SITE "B"
(LOOKING UPSTREAM)

REV	DESCRIPTION	DATE	APPR	REFERENCE INFORMATION AND NOTES

DATE 5/11/00
DESIGN S. FERRANTI
DRAWN C. MAENPAA
CHECKED S. FERRANTI

Santa Clara Valley Water District

GUADALUPE RIVER
MITIGATION PANTINGS @ CDM
CO 458
TYPICAL SECTION

VERIFY SCALES
0 1"
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

SCALE
NOT TO SCALE

SHEET
2
2 OF 2

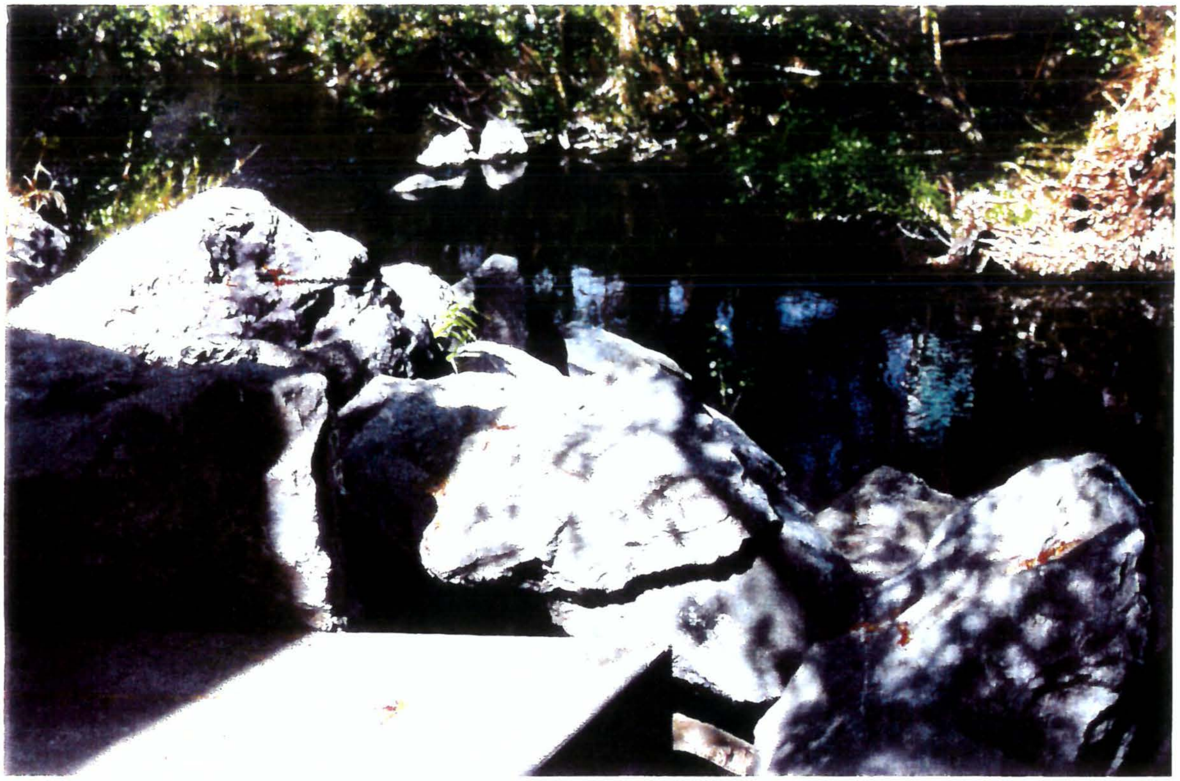


PHOTO 1. Rip-Rap at Site 1. Instream rock visible at top of photo

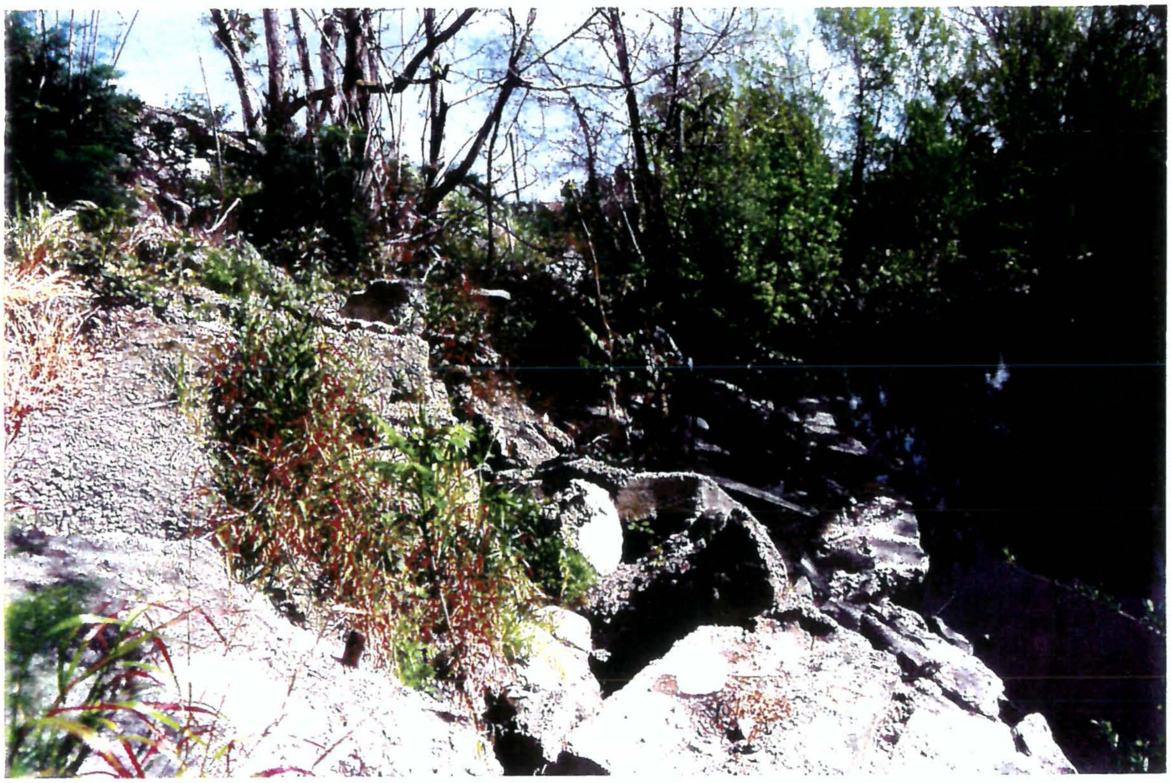


PHOTO 2. Concrete Rubble at Site B. Ailanthus trees visible top of photo.

PHOTO 3. Large walnut tree at edge of Site B.

PHOTO 4. Root wad enhancement structure upstream of project site

APPENDIX

APPENDIX A

Correspondence Regarding Red-legged Frog

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
3310 El Camino Avenue, Suite 130
Sacramento, California 95821-6340

Appendix A

IN REPLY REFER TO:
1-1-98-I-1590

July 14, 1998

Mr. Peter LaCivita
Chief, Environmental Planning Section
(Attn. : Bill DeJager)
U.S. Army Corps of Engineers
333 Market Street
San Francisco, California 94105-2197

Subject: Proposed Upper Guadalupe River Flood Control Project, Santa Clara County, California

Dear Mr. LaCivita:

This is in response to the U.S. Army Corps of Engineer's (Corps) November 5, 1997, request for the U.S. Fish and Wildlife Service's (Service) concurrence that the proposed Upper Guadalupe River Flood Control Project (reaches 6 to 12, A) is not likely to adversely affect any listed and proposed species under the Service's jurisdiction. The Service's response to that request was delayed pending receipt of additional information on the California red-legged frog (*Rana aurora draytonii*) (frog) in support of the Corps' determination. On February 27, 1998, the Service received Jones and Stokes Associates, Inc., January 1998 *California Red-Legged Frog Survey Results for the Upper Guadalupe River Flood Control Project, San Jose, California* (report), which was enclosed with the Corps' February 25, 1998, request for concurrence that the proposed project is not likely to adversely affect the frog.

In the February letter, the Corps determined, with the exception of Ross Creek, all of the proposed project area provides suitable frog habitat, including perennial water through the breeding season, submergent and emergent vegetation, riparian habitat, and undercut banks. Surveys conducted by Jones and Stokes in September and April of 1997 confirmed the frog occurs in the watershed upstream of the project reach. However, the Corps noted the Jones and Stokes surveys failed to detect the presence of the frog within 5 miles of the project area. The Corps stated habitat suitability for the frog in the project area was significantly diminished by the presence and abundance of a suite of native and non-native predators, including bullfrogs, mosquito fish, green sunfish, carp, catfish, rainbow trout, largemouth bass, and two species of crayfish. The Corps also stated that, although the presence of bullfrogs and other non-native predators does not preclude the presence of the frog, the presence of non-native predators and perennial water in the area increases the level of predation on all life-stages of the frog. The presence of other predators (*i.e.* racoons) and competitors for food resources further reduces suitability of existing habitat for the frog. Based upon the above discussion, the Corps determined the proposed project is not likely to adversely affect the frog.

The Service attended a site visit with the Corps and the local sponsor, the Santa Clara Valley Water District (SCVWD), on June 16, 1998, to further evaluate habitat conditions for the frog within the proposed project area. Within this reach, the Guadalupe River is characterized by steep banks with a narrow band of riparian and upland vegetation. Beyond this narrow band, the river is bordered by established urban development on both sides. Adverse effects from inadequate buffer space between urban developments and wildlife habitats were evidenced during the site visit by the presence of feral cats, homeless camps, urban debris and trash located within the waterway, and illegal trapping of riverine wildlife. These effects, coupled with the presence and abundance of native and non-native predators discussed above, appears to have resulted in the extirpation of the frog from the proposed project area reach of the Guadalupe River watershed. The frog may presently occur in or reinvade nearby upstream portions of the Guadalupe River which are not as severely urbanized.

Based upon review of the information provided and the above discussion, the Service has determined the proposed project is not likely to adversely affect the frog. Therefore, unless new information reveals the proposed action may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act is necessary.

If you have any questions or concerns, contact Dan Buford or Mike Thabault at (916) 979-2752.

Sincerely,

David L. Harlow

David L. Harlow
Acting Field Supervisor

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
3310 El Camino Avenue, Suite 130
Sacramento, California 95821-6340

IN REPLY REFER TO:
1-1-97-TA-2108

September 12, 1997

ORIGINAL DOCUMENT IN FILES

Mr. Gary W. Halsey
Supervising Environmental Planner
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118-3686

Subject: Potential Impacts on California Red-legged Frogs from Proposed Sediment Removal Projects on Guadalupe River, Adobe Creek, and Lower Silver Creek, Santa Clara County, California.

Dear Mr. Halsey:

This letter responds to your written request to the U.S. Fish and Wildlife Service (Service) dated August 6, 1997, and received in this office August 7, 1997, regarding proposed sediment removal projects, and project effects to California red-legged frogs (*Rana aurora draytonii*) potentially residing in the Guadalupe River, Adobe Creek, and Lower Silver Creek. California red-legged frogs are protected under the Federal Endangered Species Act of 1973, as amended (Act).

Section 9 of the Act and its implementing regulations prohibit the "take" of federally listed fish and wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any listed wildlife species. "Harm" in this definition includes significant habitat modification or degradation where it actually kills or injures wildlife, by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR § 17.3).

Based on the project description and corresponding avoidance measures proposed in your correspondence, and on discussions held September 5, 1997, at this office between Service personnel and District staff, the Service has determined that take of California red legged frogs is not likely to occur. Therefore, the project as proposed is in compliance with the Act, with the understanding that take is not authorized under this agreement.

No further action pursuant to the Act is necessary, unless: 1) The species is discovered within the project area; 2) new information reveals effects of the proposed action may affect listed species in a manner or to an extent not considered; or 3) a new species or critical habitat is designated that may be affected by the proposed project.

We appreciate your effort to seek our determination and will be available to provide future assistance as needed.

Please contact Mr. Michael Westphal in the Endangered Species Division, Coast/Bay/Delta Branch at (916) 979-2752, if you have any questions regarding these comments.

Sincerely,

David L. Harlow

for Wayne S. White
Field Supervisor

cc. AES, Portland, OR
CDFG, Yountville, CA

APPENDIX B

Mitigation and Monitoring Program

APPENDIX B. MITIGATION MONITORING PROGRAM

GUADALUPE RIVER RUBBLE REMOVAL
AT CHILDREN'S DISCOVERY MUSEUM

The District will incorporate the following measures into the construction documents for project construction activities. In addition to District standard operating best management practices, these measures avoid, minimize, reduce or compensate for potential project impacts.

Mitigation Measures	Implementation	Monitoring
1. The loss of undercut bank and fish refuge habitat on both banks will be mitigated by the installation of six tree stump/root-wad structures constructed at the toe of the east and west banks. These structures will be constructed in the lower bank slope, within ordinary high water, where no revegetation was previously planned. The structures will extend approximately 30 lineal feet along the toe of each bank, mitigating for the loss of undercut concrete east bank and rip-rap to be removed at the base of the west bank. The areas immediately above each stump will be revegetated with willow and cottonwood cuttings or container plants. The root-wad structures and bottom slope vegetation will provide fish habitat and cover during low and moderate flows. They will also protect the lower streambanks from excessive scour and erosion.	District Facilities Planning and Design Unit to incorporate measures into project construction documents; contractor to implement project construction documents	District Construction Administration Unit
2. The in-stream rip-rap located approximately 10' downstream of Site A will be left in place. To mitigate for the loss of in-stream concrete debris that is providing cover and habitat at Site B, several large boulders from Site A will be placed in the channel after removal of the concrete. They will be positioned in locations that will not deflect streamflow and cause bank erosion during high flows.	District Facilities Planning and Design Unit to incorporate measures into project construction documents; contractor to implement construction documents.	District Construction Administration Unit
3. Soil material grubbed, scraped and excavated from the channel banks shall be randomly sampled for total mercury and methyl mercury concentrations at a rate of one sample for every 2,500 cubic yards of material removed.	District Construction Administration Unit shall take samples and administer lab analysis.	District Construction Administration Unit
4. Construction specifications shall include a requirement that material grubbed, scraped and	District Facilities Planning and Design Unit to incorporate measures	District Construction Administration Unit

excavated from the channel banks is not to be reused onsite unless it can be demonstrated to contain less than 0.1 mg/kg total mercury. If soil is disposed offsite, the material shall be hauled to an accepting location or facility	into project documents; contractor to implement construction documents.	

APPENDIX C

Comments and Responses to Comments

SANTA CLARA COUNTY
STREAMS FOR TOMORROW
Post Office Box 1409
San Martin, California 95046

July 13, 2000

Mr. Terry Neudorf
Environmental Planner
Environmental Resources Management Unit
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Dear Mr. Neudorf:

Guadalupe River Rubble Removal and Shaded Riverine Aquatic Mitigation Plantings Project Draft Initial Study and Mitigated Negative Declaration

We have the following comments and recommendations for your consideration regarding the subject Draft Initial Study and Mitigated Negative Declaration (IS/MND):

1. The IS/MND provides a good assessment of potential environmental effects and identification of appropriate Best Management Practices (BMPs) and project mitigation measures necessary to reduce potential impacts to a less-than-significant level. The results of this CEQA assessment illustrate the inappropriateness of the original project Notice of Categorical Exemption.

2. The rip-rap boulders at Site A appear to have been placed as bank stabilization or protection for the Auzerais Point Overlook Monument. Apparently at some time in the past, the City of San Jose believed this bank protection was necessary. Since the District has permit purview over such rip-rap placement, we assume the District also agreed that this bank protection was justified - otherwise the District would not have approved the rip-rap installation. The Final IS/MND should identify the original purpose of the rip-rap placement and discuss what hydrologic and/or hydraulic conditions or other circumstances have changed to now justify removal of the rip-rap boulders. Will removal of the rip-rap put the Auzerais Point Overlook Monument or the adjacent channel banks at any increased risk of damage or failure at bank full flow events?

3. Draft Mitigated Negative Declaration Finding Number 3 states that adverse impacts to fish cover "... will be mitigated by root wads *and additional riparian vegetation* installed at the toe of each streambed. These woody structures *and low bank riparian vegetation* will provide cover and habitat for fish" (emphasis added). In addition, mitigation measure 1 under Basis of Findings states that "Log root wads *and riparian vegetation* will be added to the bottom (toe of slope) of the east and west streambank in order to replace cover and habitat for fish provided by concrete undercut bank and rip-rap cavities" (emphasis added).

However, to the contrary, the Environmental Evaluation states in Section 4.8 c-e (page 4-11) that "No vegetation will be planted below ordinary high water (4 feet above toe of bank) to minimize flow obstruction in this part of the river." This statement is supported by

Figures 7 and 8. Contrary to Finding Number 3 and the Basis of Findings, it appears that **low bank riparian vegetation will not be installed at or near the toe of slope** (will not be within 4 vertical feet of the toe of slope), and thus will not contribute to the mitigation of lost in-channel structural fish cover, particularly lost low-flow structural fish cover. This contradiction must be corrected. Adequate compensation for the loss of in-channel structural fish cover that will function under summer and fall low-flow conditions must be provided in the Final IS/MND.

4. Text discussions and Figures 7 and 8 identify that the log root wads will be placed at the toe of slope to appropriately provide structural fish cover that will function at low-flow conditions. Photograph 4 depicts an example of root wad placement. However, the photograph depicts another method of placement that elevates the root wads above the toe of slope and above the low-flow. Such placement provide structural fish cover only at moderate and high flow conditions. To prevent misunderstandings, Photograph 4 should be annotated to note that it does not illustrate the proposed toe-of-slope installation method.

5. The Final IS/MND should identify the source tree species for the root wads (at least identify if softwood or hardwood will be used) and the expected functional life of the log root wads.

6. The Final IS/MND should state whether the root wads will be replaced in the event they fail or are washed out by high flow events. Also, will the root wads be maintained in perpetuity, being replaced at the end of their functional life?

7. The discussion of the revegetation component of the project states that the plantings will be "... maintained through the establishment period" (page 2-4). However, the establishment period is not identified, nor is any information provided regarding the planting program performance standards, success criteria, and mitigation monitoring. The Final IS/MND should explicitly state **and commit** that the project's SRA plantings and upper streambank riparian forest revegetation components will be subject to the performance standards, success criteria and monitoring requirements found in the Final Mitigation and Monitoring Plan for the Downtown Guadalupe River Flood Control Project.

Thank you for the opportunity to comment on the subject draft document. If you have questions about our comments, please contact me at the letterhead address or telephone number (408) 683-4330 (voice and fax). Please send us a copy of the Final Draft IS/MND and Notice of Adoption Hearing.

Sincerely,

Keith R. Anderson

Keith R. Anderson
Environmental Advocate

cc: SCCSFT Reading File

Caltrans

California Department of Transportation
District 4
Division of Planning
Office of Transportation Planning B

FACSIMILE TRANSMISSION

To: Name: Terry Neudorf
Organization: Santa Clara County Water District
Fax # : 408-26~~6~~-~~6247~~ 0271
Phone # : 408-265-2607

From: Name: Haiyan Zhang
Phone # : (510)622-1641
Total # of pages to follow: 1 plus cover sheet.

Notes :

If transmittal is incomplete, please call:
(510) 286-6174; CALNET 541-6174
Fax (510) 286-5513; CALNET 541-5513

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July 8, 2000

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Ms. Terry Neudorf
Santa Clara County Water District
5750 Almaden Expressway
San Jose, 95118

Dear Ms. Neudorf:

Draft Initial Study and Mitigated Negative Declaration for the Guadalupe River Rubble Removal and Shaded Riverine Aquatic Mitigation Plantings, Santa Clara Water District

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the proposed project. We have examined the environmental document for this project and have no comments. We would appreciate it if you would continue to inform us of future development projects within Santa Clara County.

Should you require further information or have any questions regarding this letter, please call Haiyan Zhang of my staff at (510) 622-1641.

Sincerely,

HARRY Y. YAHATA
District Director

By Jean CR Finney

JEAN C. R. FINNEY
District Branch Chief
IGR/CEQA

c: State Clearinghouse

APPENDIX C—COMMENTS AND RESPONSES TO COMMENTS

RESPONSE TO SANTA CLARA COUNTY STREAMS FOR TOMORROW, LETTER DATED JULY 13, 2000

1. Comment noted, no response necessary.

2. The Auzerais Point Monument is a massive concrete structure with a concrete foundation. The rip-rap boulders were placed by the Redevelopment Agency of the City of San Jose as a conservative measure to protect against erosion, as indicated in District permit number 92313, dated May 5, 1992. Significant rip-rap protection of a monument would not be acceptable in a salmonid stream under today's standards. Hydrologic conditions in this section of Guadalupe River may change in several years when the underground bypass is operational upstream of Woz Way. In addition, once riparian vegetation is established, the root structure of willows and cottonwoods should prevent significant bank erosion, and may therefore provide an environmentally sensitive alternative to rip-rap. As indicated in the Initial Study, restoration of a native riparian community that provides shaded riverine aquatic (SRA) cover is the main purpose of the project. The short-term possibility of some bank erosion near the monument is not considered significant. District staff believe the establishment of SRA cover at this site is worth the short-term possibility of some bank erosion.

3. The project, prior to the addition of root wads, did not have revegetation within ordinary high water (OHW). When the root wads were added to the project, plantings just above the root wads were also added so that vegetation can provide the same structural conditions after the root wads decompose. Finding 3 in the Negative Declaration and Mitigation #1, p. 4-5 are correct, while the statement in Section 4.8c-e is an error and will be deleted. Willow and cottonwood cuttings will be installed by the District just above the root wads, and will in all likelihood be within OHW unless the logs are larger than 4 feet in diameter.

4. The comment is correct in that the root wads will not be elevated as those just upstream shown in the picture. The root wads for the proposed project will be installed at the toe of slope as depicted in Figure 7 and 8, and discussed in the Initial Study text. The photo is merely shows what was done upstream for fisheries enhancement and bank stabilization, and was not intended to illustrate the root wad design chosen for the project site.

5. The District will try and obtain decay resistant tree species such as redwood for the root wads. However, log availability is always an issue (K. Reiller, personal communication), and therefore, the District contractor may have to use other species such as douglas fir, madrone or oak. Based on information from previous District projects, experience by John Gilchrist with instream log structures in coastal streams, and conversations with Bud McCrary at Big Creek lumber, redwood should last 25-40 years, depending on the amount of sapwood in the tree. Douglas fir and available hardwood should last 15± years in a stream environment. With 12-15 years of useful life, the riparian vegetation should be well established and able to provide the structural fish habitat functions.

6. As indicated in #5 above, the log root wads will not be replaced after their useful life as it is expected that low bank SRA/riparian vegetation will provide the structural cover. Root wads will be replaced if they are washed out prior to the establishment of low bank riparian cover. However, this is not expected due to the method the District uses to anchor instream logs (helix anchors and cables), and the District's experience with this anchoring system during high flow events along other reaches of this river. The anchoring system and past experience indicates there is a high probability that the root wads will remain in place.

7. The text of the Final Initial Study has been changed to indicate revegetation at the project site will meet the performance standards, success criteria and monitoring requirements in the Downtown Guadalupe River Flood Control Project Final Mitigation and Monitoring Plan.

RESPONSE TO CALIFORNIA DEPARTMENT OF TRANSPORTATION, LETTER DATED JULY 8, 2000

No response necessary.